

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts,
IN THE YEAR
1895,
TOGETHER WITH
THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of
government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers

Legislature empowered to compel provision for public worship;

of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. § Met. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and inalienable right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. 1, Sect. 2, Art. II. Right of protection and duty of contribution correlative.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Taxation founded on consent. 16 Mass. 326. 1 Pick. 418. 7 Pick. 344. 12 Pick. 184, 467. 16 Pick. 87. 23 Pick. 360. 7 Met. 388. 4 Gray, 474. 7 Gray, 363. 14 Gray, 154. 1 Allen, 150. 4 Allen, 474.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Private property not to be taken for public uses without, etc. 6 Cush. 327. 14 Gray, 155. 16 Gray, 417, 431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52.
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 544, 510.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it;

completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180.
108 Mass. 5, 6.

118 Mass. 443, 451.
120 Mass. 118, 120.

122 Mass. 332.
124 Mass. 464.

127 Mass. 550, 554.
129 Mass. 559.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 573.
100 Mass. 287, 295.
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

114 Mass. 383, 390.
120 Mass. 320, 321.

122 Mass. 505, 516.
123 Mass. 590, 593.

125 Mass. 182, 188.
128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto
laws prohibited.
12 Allen, 421,
424, 423, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not
to convict of
treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or
fines, and cruel
punishments,
prohibited.
5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be
quartered in any
house, unless,
etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt
from law-mar-
tial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-
preme judicial
court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 223.
Tenure of their
office.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Salaries.

Separation of
executive, judi-
cial, and legis-
lative depart-
ments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.
116 Mass. 317.
129 Mass. 559.

PART THE SECOND.

The Frame of Government.

Title of body
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revision; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. 3 Mass. 567.

General court may constitute judicatories, courts of record, etc.
8 Gray, 1.
12 Gray, 147,
154.

Courts, etc., may administer oaths.

General court may enact laws, etc.
9 Gray, 426.
4 Allen, 473.
12 Allen, 223,
237.
100 Mass. 544,
557.
116 Mass. 467,
470.

may enact laws, etc., not repugnant to the constitution.
6 Allen, 358.

may provide for the election or appointment of officers.
115 Mass. 602.

may prescribe their duties.

may impose taxes, etc.

12 Mass. 252.
5 Allen, 428.
6 Allen, 558.
8 Allen, 247, 253.
10 Allen, 235.
11 Allen, 268.
12 Allen, 77, 223,
235, 238, 240, 298,
300, 312, 313, 500,
612.
98 Mass. 19.
100 Mass. 285.
101 Mass. 575,
585.
103 Mass. 267.
114 Mass. 388,
391.
116 Mass. 461.
118 Mass. 386,
389.
123 Mass. 493,
495.
127 Mass. 413.

may impose taxes, etc., to be disposed of for defence, protection, etc.

8 Allen, 247, 256.
Valuation of estates once in ten years, at least, while, etc.
8 Allen, 247.
126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.
Superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as to councillors, see amendments, Art. XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six ; Essex, six ; Middlesex, five ; Hampshire, four ; Plymouth, three ; Barnstable, one ; Bristol, three ; York, two ; Dukes County and Nantucket, one ; Worcester, five ; Cumberland, one ; Lincoln, one ; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature ; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth ; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors ; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI., and XXXII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially ; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name : and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to town meetings.

Return of votes

As to cities, see amendments, Art. II.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

Time changed to first Wednesday of January. See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc., of its own members.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled. Changed to election by people. See amendments, Art. XXIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator. Property qualification abolished. See amendments, Art. XIII. For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath. Limitation of sentence.

of honor, trust, or profit, under this commonwealth; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

Quorum.
See amend-
ments, Arts.
XXII. and
XXXIII.

CHAPTER I.

SECTION III.

House of Representatives.

Representation
of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representa-
tives, by whom
chosen.
Superseded by
amendments,
Arts. XII. and
XIII., which
were also
superseded by
amendments,
Art. XXI.
7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Proviso as to
towns having
less than 150
ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.

Towns liable to
fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeable to this constitution.

Expenses of
travelling to
and from the
general court,
how paid.
Annulled by
Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of
a representa-
tive.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

New provision as to residence. See amendments, Art. XXI.

Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter.

These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII.

See also amendments, Art. XXIII., which was annulled by Art. XXVI.

Representatives, when chosen.

House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days.

Quorum. See amendments, Arts. XXI. and XXXIII.

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish.
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled — THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be — HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.
[See amendments, Arts. VII. and XXXIV.]

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall,

in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said

May adjourn or prorogue the general court upon request, and convene the same.

As to dissolution, see amendments, Art. X.

court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Limitation.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

Judicial officers, etc., how nominated and appointed.
For provisions as to election of attorney-general, see amendments, Art. XVII.

Militia officers, how elected.
Limitation of age struck out by amendments, Art. V.

How commissioned.

Election of officers.

Major-generals, how appointed and commissioned.

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly
commissioned,
how removed.
Superseded by
amendments,
Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc.,
how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers,
how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of
militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how
drawn from the
treasury, ex-
cept, etc.
13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public
boards, etc., to
make quarterly
returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall ex-

hibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,] property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality pro-

vided for by
amendments,
Art. XIV.

President of
council.
Lieutenant-
governor a
member of,
except, etc.

Lieutenant-
governor to be
acting governor,
in case, etc.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of
councillors
changed to
eight.
See amend-
ments, Art.
XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number: from
whom, and how
chosen.
Modified by
amendments,
Arts. X and
XIII.
Superseded by
amendments,
Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators be-
come council-
lors, their seats
to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to
have more than
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-
cise the power
of governor in
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by
amendments,
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer, and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer ineligible for more than five successive years.

as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony. Other provisions made by law. 105 Mass. 327. 116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, —it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts, grants,
etc., confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

Who shall be
overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1865, 173.
1880, 65.

Power of altera-
tion reserved to
the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[“ I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”]

Oath of office.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God.”

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“ I do swear,” “ and abjure,” “ oath or,” “ and abjuration,”* in the first oath, and in the second oath, the words] *“ swear and,”* and [in each of them] the words *“ So help me, GOD ;”* subjoining instead thereof, *“ This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly ; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being ; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state ; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz. : judge of probate — sheriff — register of probate — or register of deeds ; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject. I Allen, 553.

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — solicitor-general — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — clerk of the inferior court of common pleas — or officer of the customs, including in this description naval officers — shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Property quali-
fications may
be increased.
See amend-
ments, Arts.
XIII. and
XXXIV.

Provisions
respecting
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-
specting writs.
2 Pick. 592.
3 Met. 58.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of
former laws,
except, etc.
1 Mass. 59.
2 Mass. 534.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.” The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority. Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments. Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid. Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not approved within five days, not to become a law, if legislature adjourn in the mean time, 3 Mass. 567. See Const., Ch. I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities. 122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso. 112 Mass. 200.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. See amendments, Arts. XXX. and XXXII. 11 Pick. 538, 540. 14 Pick. 341. 14 Mass. 367. 5 Met. 162, 298, 591, 594. 7 Gray, 299. 122 Mass. 595, 597. 124 Mass. 596.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding

such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath,

For educational qualification, see amendments, Art. XX. For provision as to those who have served in the army or navy in time of war, see amendments, Arts. XXVIII. and XXXI.

Notaries public, how appointed and removed.

Vacancies in the offices of secretary and treasurer, how filled. This clause superseded by amendments, Art. XVII.

Commissary-general may be appointed, in case, etc.

Militia officers, how removed.

Who may vote for captains and subalterns.

Oath to be taken by all officers. See Const., Ch. VI., Art. I.

Proviso. Quakers may affirm

he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility of offices.

122 Mass. 445, 600.

123 Mass. 535.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to constitution, how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the quali-

fied voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political year,

and termination.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first

Article, when to
go into opera-
tion.

election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted : —

“ As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government ; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses ; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society ; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law ; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid ; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred

and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty, and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts. XXI. and XXII.

Senatorial districts declared permanent.

Provisions as to senators superseded by amendments, Art. XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the

manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintend-

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

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12 Allen, 500,
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103 Mass. 94, 96.

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8 Gray, 1.
13 Gray, 74.

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10 Gray, 613.

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ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth;

and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one

Secretary shall certify to officers authorized to divide counties.

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Qualifications of representatives.
122 Mass. 595, 598.

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See P. S. c. 31.

Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments, Art. XXIV.

Qualifications of senators.

Quorum, see amendments, Art. XXXIII.

Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.

Vacancies in the senate.

Vacancies in the council.

thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house

of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.

Voters not disqualified by reason of change of residence until six months from time of removal.

Amendments,
Art. XXVIII.
amended.

ART. XXXI. Article twenty-eight of the Amendments of the Constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words: — receiving or having received aid from any city or town, — and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III. relative
to payment of a
tax as a voting
qualification,
annulled.

ART. XXXII. So much of article three of the Amendments of the Constitution of the Commonwealth as is contained in the following words: "and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of
Art. II., § I.,
Chap. II., Part
II., relative to
property quali-
fication of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the Constitution of the Commonwealth as is contained in the following words: "and unless he shall at the same time, be seized in his own right, of a freehold within the Commonwealth of the value of one thousand pounds;" is hereby annulled.

Provisions of
Art. II., § III.,
Chap. I., rela-
tive to expense
of travelling to
the general
assembly by
members of the
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the Constitution of the Commonwealth as is contained in the following words: "The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the Constitution of the Commonwealth as is contained in the following words "commissioners of insolvency", is hereby annulled.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

CONSTITUTION OF MASSACHUSETTS.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

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ACTS AND RESOLVES
OF
MASSACHUSETTS.

1895.

 The General Court of the year eighteen hundred and ninety-five assembled on Wednesday, the second day of January. The oaths of office were taken and subscribed by His Excellency FREDERIC T. GREENHALGE and His Honor ROGER WOLCOTT on Thursday, the third day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND TRAVEL OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH. *Chap. 1.*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit : — *Appropriations.*

For the compensation of senators, thirty thousand seven hundred and fifty dollars. *Senators, compensation.*

For travelling expenses of senators, a sum not exceeding thirty-two hundred dollars. *Travelling expenses.*

For the compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars. *Representatives, compensation.*

For travelling expenses of representatives, a sum not exceeding twenty thousand dollars. *Travelling expenses.*

For the compensation of the chaplains of the senate and house of representatives, three hundred dollars each. *Chaplains.*

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. *Senate and house clerks.*

For the salaries of the assistant clerks of the senate and house of representatives, two thousand dollars each. *Assistant clerks.*

For such additional clerical assistance for the clerks of the senate and house of representatives as may be necessary for the proper despatch of public business, a sum not exceeding three thousand dollars. *Clerical assistance.*

For the salary of the sergeant-at-arms, three thousand dollars. *Sergeant-at-arms.*

For the salary of the first clerk in the office of the sergeant-at-arms, twenty-two hundred dollars. *Clerk.*

Doorkeepers.	For the salaries of the doorkeepers of the senate and house of representatives, fourteen hundred dollars each.
Postmaster, messengers, etc.	For the compensation of the assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding twenty-four thousand one hundred dollars.
Contingent expenses.	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding seven thousand dollars.
Postage, etc., on documents.	For the payment of postage and expressage on documents sent to members of the general court, to include expenses incurred in packing the same, a sum not exceeding fifteen hundred dollars.
Committees, witnesses.	For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars.
Expenses.	For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 17, 1895.

Chap. 2. AN ACT RELATIVE TO THE REGISTRATION OF VOTERS FOR SPECIAL ELECTIONS.

Be it enacted, etc., as follows:

1893, 417 § 41,
amended.

Registration for
special elec-
tions.

SECTION 1. Section forty-one of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting in the eighth line, after the word "Sunday", the words:—or legal holiday,—so as to read as follows:—*Section 41.* In case an election is to be held in a city or town on a day other than the day of the annual state, city or town election therein, the registrars of voters shall, for the registration of voters in such city or town, hold in some suitable and convenient place therein, a continuous session from twelve o'clock, noon, until ten o'clock in the evening, on the fourth day preceding such election, or if such day would fall on a Sunday or legal holiday, then on the fifth day preceding such election: except that in the city of Boston such session shall be held on the seventh day preceding the election. Registration in such city or town shall cease at ten o'clock in the evening of the day

on which such session is held, and be discontinued therein until the election shall have been held.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1895.

AN ACT TO AUTHORIZE THE TOWN OF BROOKFIELD TO MAKE AN ADDITIONAL WATER LOAN. Chap. 3.

Be it enacted, etc., as follows:

SECTION 1. The town of Brookfield, for the purposes mentioned in chapter seventy-nine of the acts of the year eighteen hundred and eighty-eight, may issue bonds, notes or certificates of debt, to be denominated on the face thereof, The Brookfield Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purpose; said bonds, notes or certificates of debt shall be issued upon the same terms and conditions and with the same powers as are provided in said chapter seventy-nine for the issue of the Brookfield water loan: *provided*, that the whole amount of such bonds, notes or certificates of debt issued by said town for the purpose of providing a public water supply shall not in any event exceed the amount of eighty-five thousand dollars; and *provided, also*, that the whole amount of such bonds, notes or certificates of debt outstanding at any time, less such amount as may have been paid and redeemed by said town under the provisions of section six of said chapter seventy-nine or under the authority of this act, shall not exceed the amount of seventy-five thousand dollars.

Brookfield
Water Loan.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1895.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE JUDICIAL DEPARTMENT OF THE GOVERNMENT DURING THE PRESENT YEAR. Chap. 4.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

Appropriations.

SUPREME JUDICIAL COURT.

Supreme judicial court, chief justice.	For the travelling expenses of the chief justice of the supreme judicial court, five hundred dollars.
Associate justices.	For the travelling expenses of the six associate justices of the supreme judicial court, three thousand dollars.
Clerk.	For the salary of the clerk of the supreme judicial court, three thousand dollars.
Clerical assistance.	For clerical assistance to the clerk of the supreme judicial court, five hundred dollars.
Clerical assistance to justices.	For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.
Expenses.	For expenses of the supreme judicial court, two thousand dollars.
Reporter of decisions.	For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars; and for clerk hire and incidental expenses of the reporter, two thousand dollars.
Officers and messenger.	For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.
Clerk for Suffolk.	For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.

SUPERIOR COURT.

Superior court, chief justice.	For the salary and travelling expenses of the chief justice of the superior court, sixty-five hundred dollars.
Associate justices.	For the salaries and travelling expenses of the fifteen associate justices of the superior court, ninety thousand dollars.
Ex-chief justice.	For the salary of the ex-chief justice of the superior court, now retired, twenty-seven hundred and fifty dollars.

COURTS OF PROBATE AND INSOLVENCY.

Probate and insolvency, judges, Suffolk.	For the salaries of the two judges of probate and insolvency for the county of Suffolk, five thousand dollars each.
Middlesex.	For the salary of the senior judge of probate and insolvency for the county of Middlesex, forty-five hundred dollars; and for the salary of the junior judge of probate and insolvency for said county, four thousand dollars.
Worcester.	For the salary of the judge of probate and insolvency for the county of Worcester, thirty-five hundred dollars.

For the salary of the judge of probate and insolvency for the county of Essex, thirty-seven hundred dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-eight hundred dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Bristol, three thousand dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Berkshire, eighteen hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, three thousand dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, sixteen hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Franklin, fifteen hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Barnstable, thirteen hundred dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Nantucket, seven hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Dukes County, seven hundred dollars. Dukes County.

For the compensation of judges of probate and insolvency acting for judges of probate and insolvency in other counties where the judge of said county is sick or the office vacant, a sum not exceeding three thousand dollars. In case of sickness or vacancy.

For the salary of the register of probate and insolvency for the county of Suffolk, five thousand dollars. Register, Suffolk.

For the salary of the register of probate and insolvency for the county of Middlesex, four thousand dollars. Middlesex.

For the salary of the register of probate and insolvency for the county of Essex, thirty-three hundred dollars. Essex.

For the salary of the register of probate and insolvency for the county of Worcester, three thousand dollars. Worcester.

For the salary of the register of probate and insolvency for the county of Norfolk, twenty-three hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Bristol, twenty-five hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, eighteen hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, twenty-five hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Hampshire, sixteen hundred dollars. Hampshire.

Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, eighteen hundred dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, fifteen hundred dollars.
Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, seven hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes County, seven hundred dollars.
Assistant register, Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars.
Middlesex.	For the salary of the assistant register of probate and insolvency for the county of Middlesex, two thousand dollars.
Worcester.	For the salary of the assistant register of probate and insolvency for the county of Worcester, eighteen hundred dollars.
Essex.	For the salary of the assistant register of probate and insolvency for the county of Essex, eighteen hundred dollars.
Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, twelve hundred dollars.
Franklin.	For the salary of the assistant register of probate and insolvency for the county of Franklin, five hundred dollars.
Clerk, Suffolk.	For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.
Clerical assistance, Suffolk.	For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, fifteen hundred dollars.
Middlesex.	For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding two thousand dollars.
Essex.	For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding one thousand dollars.
Bristol.	For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars.
Worcester.	For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a

sum not exceeding twenty-three hundred and fifty dollars.

For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding five hundred dollars. Plymouth.

For extra clerical assistance to the register of probate and insolvency for the county of Hampshire, for the purpose of arranging and indexing the files and records in his office, a sum not exceeding one hundred and fifty dollars. Hampshire.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Suffolk and Franklin counties, a sum not exceeding eighty-five hundred dollars. In the several counties, except Suffolk and Franklin.

For expenses of courts of probate and insolvency, a sum not exceeding two thousand dollars. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for Suffolk district, five thousand dollars. District attorney, Suffolk.

For the salary of the first assistant district attorney for Suffolk district, thirty-three hundred dollars. First assistant.

For the salary of the second assistant district attorney for Suffolk district, twenty-five hundred dollars. Second assistant.

For the salary of the clerk of the district attorney for Suffolk district, eighteen hundred dollars. Clerk.

For the salary of the district attorney for the northern district, twenty-four hundred dollars. District attorney, northern district.

For the salary of the district attorney for the eastern district, twenty-four hundred dollars. Eastern district.

For the salary of the district attorney for the southeastern district, twenty-one hundred dollars. Southeastern district.

For the salary of the district attorney for the southern district, twenty-two hundred dollars. Southern district.

For the salary of the district attorney for the middle district, twenty-four hundred dollars. Middle district.

For the salary of the district attorney for the western district, twenty-one hundred dollars. Western district.

For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars. Northwestern district.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1895.

Chap. 5. AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, PURCHASE OF PAPER, PUBLISHING LAWS AND PREPARING TABLES AND INDEXES RELATING TO THE STATUTES.

Be it enacted, etc., as follows :

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit : —
Printing and binding public documents.	For printing and binding the series of public documents, under the direction of the secretary of the Commonwealth, a sum not exceeding fifty-five thousand dollars.
Exchange and distribution.	For expenses in connection with the exchange and distribution of public documents, under the direction of the secretary of the Commonwealth, a sum not exceeding fifteen hundred dollars.
Printing acts and resolves.	For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding thirty-five hundred dollars.
Reports of decisions of supreme judicial court.	For reports of decisions of the supreme judicial court, including copies to be furnished to newly incorporated towns by the secretary of the Commonwealth, a sum not exceeding three thousand dollars.
Blue book.	For printing and binding the blue book edition of the acts and resolves of the present year, with the governor's message and other matters in the usual form, a sum not exceeding sixty-five hundred dollars.
Publication of general laws, etc.	For the newspaper publication of the general laws and all information intended for the public, a sum not exceeding five hundred dollars.
Assessors' books and blanks.	For assessors' books and blanks furnished cities and towns by the secretary of the Commonwealth, a sum not exceeding fifteen hundred dollars.
Registration books, etc.	For registration books and blanks, indexing returns and editing the registration report, a sum not exceeding twenty-five hundred dollars.
Printing and binding manual.	For printing and binding the manual of the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding three thousand dollars.
Printing and binding, senate and house.	For printing and binding ordered by the senate and house of representatives, or by concurrent order of the

two branches, a sum not exceeding thirty thousand dollars.

For the purchase of paper for the Commonwealth, used in the execution of the contract for the state printing, under the direction of the secretary of the Commonwealth, a sum not exceeding thirty thousand dollars.

Paper for state printing.

For printing and distributing at the public expense ballots cast at elections for national, state, district and county officers, in the cities and towns in the Commonwealth, a sum not exceeding ten thousand dollars.

Ballots.

For blank forms for town officers, and for laws and instructions on all matters relating to elections, to be provided by the secretary of the Commonwealth, a sum not exceeding one thousand dollars.

Blank forms, etc.

For furnishing cities and towns with ballot boxes, and repairs to the same, a sum not exceeding twenty-five hundred dollars.

Ballot boxes.

For furnishing suitable blanks to registrars of voters, by the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

Blanks to registrars of voters.

For furnishing registrars of voters in the cities and towns in the Commonwealth with suitable registration boxes, a sum not exceeding five hundred dollars.

Registration boxes.

For the preparation of tables and indexes relating to the statutes of the present and previous years, under the direction of the governor, a sum not exceeding five hundred dollars.

Tables and indexes to statutes.

For collating, indexing and publishing, in a style similar to that in which the blue books, so-called, are now published, all the acts and resolves of the general court from the adoption of the constitution to the year eighteen hundred and six, a sum not exceeding seven thousand dollars.

Publication of early laws.

For collating, indexing and publishing the records of the Massachusetts troops of the period of the revolution, a sum not exceeding fifty-five hundred dollars, being the amount authorized by chapter one hundred of the resolves of the year eighteen hundred and ninety-one for publishing; the appropriation for this purpose authorized by chapter thirteen of the acts of the year eighteen hundred and ninety-three having expired by limitation.

Publication of revolutionary records.

For the purchase of record inks for public records, under the direction of the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

Record inks.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1895.

Chap. 6. AN ACT MAKING APPROPRIATIONS FOR CERTAIN ALLOWANCES AUTHORIZED BY THE LEGISLATURE.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to provide for certain yearly and other allowances authorized by the legislature, to wit: —
Obstructions in tide waters.	For expenses in connection with the removal of wrecks and other obstructions from tide waters, a sum not exceeding five thousand dollars.
Preservation, etc., of state records.	For the arrangement and preservation of state records and papers, under the direction of the secretary of the Commonwealth, a sum not exceeding five thousand dollars.
Agricultural experiment station.	For maintaining an agricultural experiment station at the Massachusetts agricultural college, in the town of Amherst, the sum of ten thousand dollars.
Agricultural college, free scholarships.	For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.
Aid to students, etc.	For the Massachusetts agricultural college, the sum of ten thousand dollars, to be expended under the direction of the trustees, for the following purposes, to wit: — five thousand dollars for the establishment of a labor fund to assist needy students of said college, and five thousand dollars to provide the theoretical and practical education required by its charter and the laws of the United States relating thereto.
School for feeble-minded.	For the Massachusetts school for the feeble-minded, the sum of twenty-five thousand dollars.
School for the blind.	For the Perkins institution and Massachusetts school for the blind, the sum of thirty thousand dollars.
Inspection of food, drugs, etc.	For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding eleven thousand five hundred dollars.
Extraordinary expenses.	For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding twenty thousand dollars.
Premiums on securities.	For the payment of premiums on securities purchased for the Massachusetts school fund, a sum not exceeding fifty thousand dollars.
Transportation of state publications.	For expenses of transportation of the state publications to the free public libraries in this Commonwealth, by

the secretary thereof, a sum not exceeding five hundred dollars.

For expenses in connection with the examination and certification of school teachers by state authority, a sum not exceeding five hundred dollars.

Examination and certification of school teachers.

For the Massachusetts school fund, the sum of one hundred thousand dollars.

School fund.

For the care and maintenance of the educational museum, the sum of fifteen hundred dollars.

Educational museum.

For the Massachusetts state firemen's association, the sum of ten thousand dollars.

State firemen's association.

For the Worcester polytechnic institute, the sum of fifty thousand dollars.

Worcester polytechnic institute.

For the erection of the new normal school buildings provided for by chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-four, a sum not exceeding two hundred and twenty-five thousand dollars, being in addition to the seventy-five thousand dollars appropriated by chapter five hundred and forty-six of the acts of the year eighteen hundred and ninety-four.

New normal school buildings.

For building an addition to the state normal school at Bridgewater, a sum not exceeding thirty thousand dollars, being in addition to the forty-five thousand dollars appropriated by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-four.

Normal school at Bridgewater.

For expenses in connection with carrying out the law relative to complaints against registered pharmacists, a sum not exceeding two thousand dollars.

Registered pharmacists.

For the cost of maintenance and operation of the system of sewage disposal for the cities of Boston, Newton and Waltham, and the towns of Brookline and Watertown, for the year eighteen hundred and ninety-five, a sum not exceeding twenty-eight thousand dollars.

Sewage disposal for certain cities and towns.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1895.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE DISTRICT POLICE. *Chap. 7.*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses of the district police during the

Appropriations.

year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

Chief of district police.

For the salary of the chief of the district police, a sum not exceeding twenty-five hundred dollars.

First clerk.

For the salary of the first clerk in the office of the chief of the district police, the sum of fifteen hundred dollars.

Second clerk.

For the salary of the second clerk in the office of the chief of the district police, the sum of one thousand dollars.

District police.

For the compensation of the thirty-eight members of the district police, a sum not exceeding fifty-six thousand dollars.

Travelling expenses.

For travelling expenses actually paid by members of the district police, a sum not exceeding twenty thousand eight hundred dollars.

Incidental expenses.

For incidental and contingent office expenses of the chief and members of the district police, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1895.

Chap. 8.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE REFORMATORY PRISON FOR WOMEN, AT SHERBORN.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the reformatory prison for women, at Sherborn, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

Reformatory prison for women.

For the payment of salaries and wages at the reformatory prison for women, at Sherborn, a sum not exceeding twenty-four thousand five hundred dollars; and for other current expenses at said institution, a sum not exceeding thirty-one thousand five hundred dollars.

Sewage disposal.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at the reformatory prison for women, the sum of six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1895.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON AT BOSTON. *Chap. 9.*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state prison at Boston during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit:—

For the payment of salaries at the state prison at Boston, a sum not exceeding seventy-four thousand dollars; and for other current expenses at said institution, a sum not exceeding ninety thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1895.

AN ACT AUTHORIZING ADVANCES TO THE SERGEANT-AT-ARMS FROM THE TREASURY OF THE COMMONWEALTH. *Chap. 10.*

Be it enacted, etc., as follows:

SECTION 1. There may be advanced to the sergeant-at-arms, under the provisions of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four, to meet the necessary and legitimate incidental expenditures made by him in the care of the state house and grounds, an amount not exceeding five hundred dollars at any one time.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1895.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL PAGES. *Chap. 11.*

Be it enacted, etc., as follows:

SECTION 1. The sergeant-at-arms may appoint six pages, in addition to the present number, who shall be assigned to such service in the state house as he may specify.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1895.

Chap. 12. AN ACT TO AUTHORIZE A CHANGE IN THE LOCATION OF THE BOSTON AND ALBANY RAILROAD ACROSS LAKE COCHITUATE, AND THE TAKING OF LAND INCIDENT THERETO.

Be it enacted, etc., as follows:

Location of
railroad may be
changed.

SECTION 1. The commissioners appointed by the superior court for the county of Middlesex upon the joint petition of the selectmen of Natick and the directors of the Boston and Albany Railroad Company, to determine the method of the abolition of certain crossings of public ways in said town and the Boston and Albany railroad, are hereby authorized to prescribe and direct a new location of said railroad across lake Cochituate and land of the city of Boston in the town of Natick, and to take land therefor as follows: — The center or base line of said new location is described as follows: — Beginning at a stone monument set in the ground at a point in the present base line of location, distant about nine hundred and forty-six feet easterly from the nineteenth mile post; thence running northeasterly, easterly and southeasterly by a line curving to the south, with a radius of three thousand eight hundred and nineteen and eighty-three one hundredths feet, about eight hundred and seventy-six and sixty-six one hundredths feet to a stone monument set in the ground; thence running south eighty-one degrees and twenty-six minutes east about four hundred and ninety-six and sixty-five one hundredths feet to a stone monument set in the ground; thence running southeasterly, easterly and northeasterly by a line curving to the north, with a radius of three thousand eight hundred and nineteen and eighty-three one hundredths feet, about one thousand seven hundred and six and sixty-seven one hundredths feet to a stone monument set in the ground; thence running north seventy-two degrees and fifty-eight minutes east about one thousand two hundred and sixty-six and twenty-seven one hundredths feet to a stone monument set in the ground; thence running northeasterly by a line curving to the south, with a radius of five thousand seven hundred and twenty-nine and sixty-five one hundredths feet, about six and fifty-nine one hundredths feet to a point in the dividing line between land of Henry Ramsdell and land of the city of Boston, distant two hundred and twenty-six and twenty-one one hundredths feet northerly from the present base line of location. Upon

said new location said railroad company may construct an embankment across lake Cochituate of such width that the northerly edge of the top of said embankment shall be not more than thirty feet northerly, and the southerly edge of the top of said embankment shall be not more than fifty feet southerly, from the said new base line of location hereinbefore described, and of a height not greater than one hundred and fifty-nine feet above Boston city base; and the bottoms of said embankment may extend so far northerly and southerly as shall be necessary to maintain the proper slopes; said embankment to be made with proper culverts through which water may pass to lake Cochituate; said location shall include so much of said lake Cochituate as lies between said railroad company's present location and a line parallel with and distant thirty feet northerly from said new base line of location hereinbefore described, and so much land of the city of Boston and others along said base line as said commissioners shall prescribe.

Location of
railroad may
be changed.

SECTION 2. To enable the abolition of said crossings to be carried out and to provide reasonable facilities for freight in connection therewith the Boston and Albany Railroad Company is authorized to take, by purchase or otherwise, for freight, storage, depot or station purposes, and for approaches, the whole or any part of the land included between Main street, Washington avenue, Cochituate street, Harrison street and Bellevue street extended to meet Harrison street, in said Natick, without further proceedings therefor except to file a location thereof.

May take cer-
tain land.

SECTION 3. In case the parties in interest cannot agree on the damages for land taken as aforesaid the same shall be determined in the manner provided by chapter one hundred and twelve of the Public Statutes, and the damages to the city of Boston may be settled by agreement between the directors of the Boston and Albany Railroad Company and the Boston water board.

Damages.

SECTION 4. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL, CONTINGENT AND MISCELLANEOUS EXPENSES OF THE VARIOUS COMMISSIONS OF THE COMMONWEALTH.

Chap. 13.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Common-

Appropriations.

Appropriations. wealth from the ordinary revenue, except as herein provided, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit : —

COMMISSIONERS AND OTHERS.

- | | |
|---|---|
| Tax commis-
sioner. | For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding thirty-four hundred dollars. |
| State valuation. | For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding three thousand dollars. |
| Commissioners
of savings
banks. | For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding thirty-three hundred dollars. |
| Insurance com-
missioner. | For incidental and contingent expenses in the department of the insurance commissioner, a sum not exceeding forty-five hundred dollars. |
| Harbor and land
commissioners. | For travelling and other necessary expenses of the harbor and land commissioners, a sum not exceeding six hundred dollars. |
| Incidental ex-
penses. | For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding eight hundred dollars. |
| Railroad com-
missioners. | For the compensation of experts or other agents of the board of railroad commissioners, a sum not exceeding thirty-eight hundred dollars. |
| Rent, mes-
senger, etc. | For rent, care of office and salary of messenger for the board of railroad commissioners, a sum not exceeding thirty-one hundred dollars. |
| Incidental ex-
penses. | For books, maps, statistics, stationery, incidental and contingent expenses of the board of railroad commissioners, a sum not exceeding two thousand dollars. |
| Railroad in-
spectors. | For travelling and other expenses of the railroad inspectors, a sum not exceeding five hundred dollars. |
| Gas and electric
light commis-
sioners. | For travelling and incidental expenses of the gas and electric light commissioners, a sum not exceeding two thousand dollars. |
| Inspectors of
gas meters. | For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred and fifty dollars; and for such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred and fifty dollars. |

For travelling and office expenses of the controller of county accounts, a sum not exceeding fifteen hundred dollars.

Controller of county accounts.

For clerical assistance, expenses of examinations, printing of civil service rules and regulations and other information for the use of applicants, printing, advertising and stationery, travelling and incidental expenses of the chief examiner, commissioners and secretary, and necessary office expenses, a sum not exceeding twelve thousand dollars.

Civil service commission.

For travelling, incidental and contingent expenses of the state board of arbitration and conciliation, a sum not exceeding forty-six hundred dollars, which shall include the compensation of expert assistants.

State board of arbitration and conciliation.

For the general work of the state board of health, including all necessary travelling expenses, a sum not exceeding twelve thousand eight hundred dollars.

State board of health.

For clerical assistance, travelling expenses, rent, care of rooms and other necessary expenses of the state pension agent, a sum not exceeding four thousand dollars.

State pension agent.

For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding five hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith, and to each newly incorporated town, also to provide cities and towns with such portions of said sets as may be necessary to make their sets complete, a sum not exceeding six hundred dollars.

Deputy sealer of weights, measures and balances, etc.

For clerk hire, travelling and incidental expenses of the commissioner of foreign mortgage corporations, a sum not exceeding twenty-four hundred and ninety dollars.

Commissioner of foreign mortgage corporations.

For compensation and expenses of the ballot law commission, a sum not exceeding fifteen hundred dollars.

Ballot law commission.

For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding seven hundred and fifty dollars.

Treasurer and receiver general.

MISCELLANEOUS.

For expenses in connection with taking evidence given at inquests on deaths by accidents upon steam and street railroads, a sum not exceeding two thousand dollars.

Evidence at inquests.

For the payment of unclaimed moneys in the hands of receivers of certain insolvent corporations, after the same

Unclaimed moneys of certain insolvent corporations.

have been deposited in the treasury of the Commonwealth, a sum not exceeding three thousand dollars.

Funds received from public administrators.

To carry out the provisions of the act relative to the payment from the treasury of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars.

Bureau of statistics of labor, contingent expenses.

For contingent expenses of the bureau of statistics of labor, to be expended under the direction of the sergeant-at-arms, a sum not exceeding five hundred dollars.

Roads in Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and ninety-four, the sum of three hundred dollars.

Beach Point road in Truro.

For assistance to the town of Truro in maintaining a section of its county highway, known as Beach Point road, a sum not exceeding five hundred dollars.

Removal of departments to state house extension.

The unexpended balance of the appropriation authorized by chapter three hundred and twenty-nine of the acts of the year eighteen hundred and ninety-three, for expenses in connection with the removal of departments to their new locations in the state house extension, is hereby reappropriated for the same purpose.

State military and naval historian.

For the salary of the state military and naval historian to the fourteenth day of June of the present year, a sum not exceeding eleven hundred dollars; and for clerical assistance and other necessary expenses of said historian, a sum not exceeding seven hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 14. AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF STATE AND MILITARY AID AND FOR EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

State and military aid.

For reimbursement to cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding five hundred and ninety-eight thousand dollars, the same to be

paid on or before the first day of December in the year eighteen hundred and ninety-five.

For postage, printing and other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY AGRICULTURAL EXPENSES.

Chap. 15.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet sundry agricultural expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit :— Appropriations.

For bounties to agricultural societies, a sum not exceeding twenty-one thousand dollars. Agricultural societies, bounties.

For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding nineteen hundred dollars. Board of agriculture, expenses of members.

For incidental and contingent expenses of the state board of agriculture, a sum not exceeding seven hundred dollars. Incidental expenses.

For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding five hundred dollars. Expenses of secretary.

For disseminating useful information in agriculture, by means of lectures at farmers' institutes, a sum not exceeding eighteen hundred and fifty dollars. Farmers' institutes.

For travelling and other necessary expenses of the trustees of the Massachusetts agricultural college, a sum not exceeding eight hundred dollars. Agricultural college, trustees.

For assistance, experts, chemists, agents and other necessary expenses of the state dairy bureau, a sum not exceeding four thousand dollars. State dairy bureau.

For purchasing nails or spikes to be driven into certain trees designated by the authorities of cities and towns, for the purpose of preserving ornamental and shade trees on public highways, a sum not exceeding two hundred dollars. Preservation of shade trees, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 16. AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH THE PRISONS OF THE COMMONWEALTH AND CERTAIN OTHER REFORMATORY EXPENSES.

Be it enacted, etc., as follows:

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —
- Commissioners of prisons, travelling expenses. For travelling expenses of the commissioners of prisons, and of the secretary and agents of said commissioners, a sum not exceeding twenty-five hundred dollars.
- Incidental expenses. For incidental and contingent expenses of the commissioners of prisons, a sum not exceeding twelve hundred dollars.
- Removal of prisoners. For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding nine hundred dollars.
- Aiding discharged prisoners. For aiding prisoners discharged from the Massachusetts reformatory at Concord, a sum not exceeding five thousand dollars.
- Agent for aiding discharged prisoners. For the salary of the agent for aiding prisoners discharged from the state prison at Boston, the sum of one thousand dollars; and for expenses of said agent, to be used in rendering assistance to said prisoners, a sum not exceeding three thousand dollars.
- Agent for aiding discharged female prisoners. For expenses of the agent for aiding female prisoners discharged from the prisons of the Commonwealth, including assistance rendered to said prisoners, a sum not exceeding three thousand dollars.
- State primary and reform schools, trustees. For travelling and other necessary expenses of the trustees of the state primary and reform schools, a sum not exceeding one thousand dollars.
- Sarah J. Robinson. For the support of Sarah J. Robinson, a prisoner in the jail at Lowell in the county of Middlesex, a sum not exceeding four hundred dollars.
- Probation officers. For the compensation of probation officers, as authorized by section seven of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one, a sum not exceeding six hundred dollars.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars. Arrest of fugitives.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT MAKING AN APPROPRIATION FOR THE ABOLITION OF GRADE CROSSINGS LOAN SINKING FUND.

Chap. 17.

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose specified, to wit:— Appropriation.

For the abolition of grade crossings loan sinking fund, as provided for in chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, being the estimate of the treasurer and receiver general, the sum of thirteen thousand nine hundred dollars. Abolition of grade crossings loan sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT MAKING APPROPRIATIONS FOR THE MEDFIELD INSANE ASYLUM LOAN SINKING FUND AND THE METROPOLITAN PARKS LOAN SINKING FUND.

Chap. 18.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit:— Appropriations.

For the Medfield insane asylum loan sinking fund, as provided for in section one of chapter three hundred and ninety-one of the acts of the year eighteen hundred and ninety-four, being the estimate of the treasurer and receiver general, the sum of fourteen thousand six hundred and sixty dollars. Medfield insane asylum loan sinking fund.

For the metropolitan parks loan sinking fund, towards retiring the scrip issued, known as series two, as provided for in chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four, being the estimate of the treasurer and receiver general, the sum of thirty-three hundred and fifty dollars. Metropolitan parks loan sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 19. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS, AT LANCASTER.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state industrial school for girls, at Lancaster, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit:—

State industrial school. For the payment of salaries, wages and labor at the state industrial school for girls, at Lancaster, a sum not exceeding eleven thousand five hundred dollars; and for other current expenses at said institution, a sum not exceeding sixteen thousand two hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 20. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE MASSACHUSETTS REFORMATORY AT CONCORD.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the Massachusetts reformatory at Concord during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit:—

Massachusetts reformatory. For the payment of salaries at the Massachusetts reformatory at Concord, a sum not exceeding seventy-eight thousand and six hundred dollars; for salaries and wages of instructors, teachers and other employees, a sum not exceeding twenty-three thousand and nine hundred dollars; and for other current expenses at said institution, a sum not exceeding one hundred twelve thousand and three hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT RELATIVE TO THE ELECTION OF THE TRUSTEES AND SECRETARY AND TREASURER OF THE TRUSTEES OF THE FORBES LIBRARY. *Chap. 21.*

Be it enacted, etc., as follows :

Section one of chapter two hundred and eighty-nine of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out in the seventh line, the word “annually”, and inserting in place thereof the words :—in the year eighteen hundred and ninety-five and every third year thereafter,—also by striking out in the ninth line, the words “one year”, and inserting in place thereof the words :—three years from the first Wednesday of May following said election. A vacancy occurring in any of said offices may be filled for the residue of the unexpired term at the next annual city election,—so as to read as follows :—*Section 1.* The legal voters of the city of Northampton shall elect at each annual city election, in the same manner in which the mayor is elected, one trustee under the will of Charles E. Forbes, instead of three trustees as now provided by the charter of said city, and such trustee shall serve for the term of three years; and said voters shall in the year eighteen hundred and ninety-five and every third year thereafter elect in the same way a secretary and treasurer of the Trustees of the Forbes Library, to serve for the term of three years from the first Wednesday of May following said election. A vacancy occurring in any of said offices may be filled for the residue of the unexpired term at the next annual city election.

1893, 289, § 1,
amended.

Election of certain officers in the city of Northampton.

Approved February 8, 1895.

AN ACT TO AUTHORIZE A LEASE OF THE PETERBOROUGH RAILROAD TO THE BOSTON AND LOWELL RAILROAD CORPORATION AND A TRANSFER OF THE SAME TO THE BOSTON AND MAINE RAILROAD. *Chap. 22.*

Be it enacted, etc., as follows :

SECTION 1. The lease of the Peterborough Railroad to the Boston and Lowell Railroad Corporation, dated April first, eighteen hundred and ninety-three, authorized by vote of the stockholders of the Peterborough Railroad May twenty-fourth, eighteen hundred and ninety-three, and approved by the stockholders of the Boston and Lowell Railroad Corporation January third, eighteen hundred and ninety-four, is hereby authorized, ratified and

Lease of railroad authorized, etc.

Proviso. confirmed: *provided*, that the said lease when executed by the said corporations shall be approved in writing by the board of railroad commissioners.

Lease may be assigned.

SECTION 2. Said lease when so approved may be assigned by the Boston and Lowell Railroad Corporation to the Boston and Maine Railroad, subject to all obligations therein contained on the part of the said Boston and Lowell Railroad Corporation, for the term of its lease to the Boston and Maine Railroad, dated June twenty-second, eighteen hundred and eighty-seven, subject to the conditions thereof.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 23. AN ACT MAKING AN APPROPRIATION FOR THE STATE HIGHWAY LOAN SINKING FUND.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose specified, to wit:—

State highway loan sinking fund.

For the state highway loan sinking fund, as provided for in section eight of chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four, being the estimate of the treasurer and receiver general, the sum of seventy-five hundred and thirty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 24. AN ACT MAKING APPROPRIATIONS FOR THE STATE HOUSE LOAN SINKING FUND, 1901, AND THE STATE HOUSE CONSTRUCTION LOAN SINKING FUND.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit:—

State house loan sinking fund.

For the state house loan sinking fund, due in the year nineteen hundred and one, as provided for in chapter two hundred and twenty-four of the acts of the year eighteen hundred and ninety-one, forty-five thousand dollars.

State house construction loan sinking fund.

For the state house construction loan sinking fund, as provided for in section eight of chapter three hundred

and ninety-four of the acts of the year eighteen hundred and eighty-nine, being the estimate of the treasurer and receiver general, the sum of ninety-two thousand thirty-eight dollars and sixty-five cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE ALMSHOUSE AT TEWKSBURY.

Chap. 25.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state alms-house at Tewksbury during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit : —

Appropriations.

For the payment of salaries, wages and labor at the state alms-house at Tewksbury, a sum not exceeding thirty-two thousand five hundred dollars; and for other current expenses at said institution, a sum not exceeding one hundred thousand dollars.

State alms-house.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT TO AUTHORIZE THE BOOTT COTTON MILLS TO ENGAGE IN BUSINESS BEYOND THE LIMITS OF THE COMMONWEALTH.

Chap. 26.

Be it enacted, etc., as follows :

SECTION 1. The Boott Cotton Mills is hereby authorized to carry on the business of purchasing, selling and manufacturing cotton, or any other fibre or any product thereof, in any part of the United States of America, and to invest such portions of its capital stock in real and personal estate, either within or without the Commonwealth, as may be necessary or convenient for carrying on its business.

Boott Cotton Mills may extend its business.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT RELATIVE TO SESSIONS OF REGISTRARS OF VOTERS IN TOWNS.

Chap. 27.

Be it enacted, etc., as follows :

SECTION 1. Section thirty-eight of chapter four hundred and seventeen of the acts of the year eighteen hun-

1893, 417, § 38, amended.

Registration
sessions in
towns divided
into voting
precincts.

dred and ninety-three is hereby amended by striking out in the twelfth and thirteenth lines, respectively, the words "Wednesday next", and inserting in place thereof, in each line, the words: — Saturday next but one, — so as to read as follows: — *Section 38.* The registrars in every town divided into voting precincts shall hold such sessions as the town may prescribe, and such other sessions as the registrars may themselves deem necessary; and they shall in every year, not more than twenty days before the annual state election, and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold at least one session at some suitable and convenient place within the limits of each voting precinct; and they shall hold a continuous session from twelve o'clock, noon, until ten o'clock in the evening on the Saturday next but one preceding the annual state election, and also on the Saturday next but one preceding the annual town meeting.

1893, 417, § 39,
amended.

Registration
sessions in
towns not
divided into vot-
ing precincts.

SECTION 2. Section thirty-nine of said chapter is hereby amended by striking out in the twelfth and thirteenth lines, respectively, the words "Wednesday next", and inserting in place thereof, in each line, the words: — Saturday next but one, — so as to read as follows: — *Section 39.* The registrars of voters in every town not divided into voting precincts shall hold such sessions as the town may prescribe, and such other sessions as the registrars may themselves deem necessary; and they shall in every year, not more than twenty days before the annual state election, and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold sessions in two or more suitable and convenient places in such town; and they shall hold a continuous session from twelve o'clock, noon, until ten o'clock in the evening on the Saturday next but one preceding the annual state election, and also on the Saturday next but one preceding the annual town meeting. If in any such town ten or more voters residing in or near a village or locality which is distant two or more miles from the usual place of registration shall file with the town clerk, not less than eighteen days before the annual state election or the annual town meeting, a petition stating that there are in such village or locality ten citizens at least who are entitled and desire to be registered, then the registrars shall

hold a session at some suitable and convenient place in such village or locality before the last day fixed for registration in such town preceding such election or meeting.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT TO ESTABLISH THE STANDARD WEIGHT OF THE BUSHEL
OF ONIONS.

Chap. 28.

Be it enacted, etc., as follows:

Section six of chapter one hundred and ninety-eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the thirteenth line, the word "fifty-seven", and inserting in place thereof the word:—fifty-two,—so as to read as follows:—*Section*

1894, 193, § 6,
amended.

6. The bushel of wheat shall contain sixty pounds.

Standard weight
of wheat, corn,
barley, etc.

The bushel of Indian corn, or of rye, fifty-six pounds.

The bushel of barley, forty-eight pounds.

The bushel of oats, thirty-two pounds.

The bushel of corn meal, fifty pounds.

The bushel of rye meal, fifty pounds.

The bushel of peas, sixty pounds.

The bushel of potatoes, sixty pounds.

The bushel of apples, forty-eight pounds.

The bushel of carrots, fifty pounds.

The bushel of onions, fifty-two pounds.

The bushel of clover seed, sixty pounds.

The bushel of herds grass, or timothy, seed, forty-five pounds.

The bushel of bran and shorts, twenty pounds.

The bushel of flaxseed, fifty-five pounds.

The bushel of coarse salt, seventy pounds.

The bushel of fine salt, fifty pounds.

The bushel of lime, seventy pounds.

The bushel of sweet potatoes, fifty-four pounds.

The bushel of beans, sixty pounds.

The bushel of dried apples, twenty-five pounds.

The bushel of dried peaches, thirty-three pounds.

The bushel of rough rice, forty-five pounds.

The bushel of upland cotton seed, thirty pounds.

The bushel of sea island cotton seed, forty-four pounds;
and

The bushel of buckwheat, forty-eight pounds.

Approved February 8, 1895.

Chap. 29. AN ACT TO AUTHORIZE THE MASSACHUSETTS CHARITABLE SOCIETY
TO FIX THE TIMES AND PLACES FOR ITS MEETINGS.

Be it enacted, etc., as follows :

May fix times
and places of
meetings.

So much of the act incorporating the Massachusetts Charitable Society as fixes the times and the place for the meetings of said society is hereby repealed, and the said society is hereby authorized to fix by its by-laws the times and places within the Commonwealth at which its meetings shall be held, and for said purpose it may amend its by-laws at its next or any subsequent quarterly meeting.

Approved February 8, 1895.

Chap. 30. AN ACT TO CHANGE THE NAME OF THE UNITED STATES SAFE
DEPOSIT AND TRUST COMPANY.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The name of the United States Safe Deposit and Trust Company is hereby changed to United States Trust Company.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 31. AN ACT MAKING APPROPRIATIONS FOR THE PREPARATION FOR PUB-
LICATION AND FOR THE PUBLICATION OF THE PROVINCIAL LAWS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses in connection with the preparation for publication and the publication of the provincial laws, under the direction of the governor and council, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit :—

Provincial laws,
preparation and
publication.

For the salaries of copyists, messenger and extra help, and for engraving, lithographing, stationery and postage, travelling and other necessary expenses in connection with the preparation and publication of the provincial laws, a sum not exceeding sixty-four hundred and forty dollars.

Printing and
binding.

For printing and binding such volumes as may be completed, a sum not exceeding sixty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT
THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRI-
ATES *Chap. 32.*

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appro- Appropriation.
priated, to be paid out of the treasury of the Common-
wealth from the ordinary revenue, to pay the necessary
expenses, in excess of any receipts, at the Massachusetts
hospital for dipsomaniacs and inebriates, at Foxborough,
during the year ending on the thirty-first day of Decem-
ber in the year eighteen hundred and ninety-five, to
wit: —

For the payment of current expenses at the Massachu- Hospital for
dipsomaniacs
and inebriates.
setts hospital for dipsomaniacs and inebriates, at Fox-
borough, a sum not exceeding twenty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS NAUTI- *Chap. 33.*
CAL TRAINING SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Com-
monwealth from the ordinary revenue, for expenses of
the Massachusetts nautical training school, during the year
ending on the thirty-first day of December in the year
eighteen hundred and ninety-five, to wit: —

For the payment of current expenses of the Massachu- Nautical train-
ing school.
setts nautical training school on board the United States
ship Enterprise, which has been detailed for the use of
said school, a sum not exceeding fifty thousand dollars.

For the necessary expenses of the board of commis- Expenses.
sioners of the Massachusetts nautical training school, to
include compensation of secretary, clerical services, print-
ing, stationery and other contingent expenses, a sum not
exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 34. AN ACT TO AUTHORIZE ADVANCES ON ACCOUNT OF MONTHLY SALARIES PAID FROM THE TREASURY.

Be it enacted, etc., as follows :

Advances on
account of
salaries.

Proviso.

SECTION 1. Any officer or employee of the Commonwealth, or of any of its departments, who receives from the treasury a monthly salary, may have advances on account of such salary from time to time during the month, under such regulations as may be prescribed by the treasurer: *provided*, that no such advance shall be made to any officer or employee in excess of the proportion of the monthly salary due him at the time of such advance, or oftener than once in seven days; and no advance on account of any salary shall be made later than the twenty-fifth day of the month.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 35. AN ACT TO INCORPORATE THE PEOPLE'S SAVINGS BANK OF BROCKTON.

Be it enacted, etc., as follows :

People's Sav-
ings Bank of
Brockton incor-
porated.

SECTION 1. William L. Douglas, Edward B. Mellen, Augustus T. Jones, David H. Blanchard, Myron F. Thomas, Hiram A. Monk, Charles F. Porter, Lon Weston, Preston B. Keith, Warren Goddard, William H. Savage, William Rankin, John S. Kent, J. Tisdale Southworth, Loyed E. Chamberlain, Warren A. Reed, Emery M. Low, Frank E. White, Ellis Brett, William Rapp, Samuel J. Gruver, Hervey Dunham, Fred P. Richmond, Fred R. French, Wallace C. Keith, Charles F. Dahlberg, Elnathan T. Sampson, Charles A. Eaton, William E. Whitman, Fred Packard, Henry C. Gurney, Francis E. Howard, Sanford Winter, Fred F. Field, Herbert S. Fuller, William O. Faxon, Ellery C. Cahoon, Herbert L. Kingman, Lucius F. Alden, Daniel W. Field, Lemuel W. Standish, Fred H. Packard, Francis B. Gardner, Oliver A. Miller, their associates and successors, are hereby made a corporation by the name of the People's Savings Bank of Brockton; with authority to establish and maintain a savings bank in the city of Brockton, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws

which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW FOR SEWERAGE PURPOSES.

Chap. 36.

Be it enacted, etc., as follows:

SECTION 1. In addition to the sums already authorized the city of Brockton, for the purposes named in chapter two hundred and forty-seven of the acts of the year eighteen hundred and ninety-two, may incur indebtedness to an amount not exceeding two hundred and fifty thousand dollars outside its debt limit, and may from time to time issue bonds, notes or scrip to said amount, denominated on their face, Brockton Sewerage Loan, 1895, signed by its mayor and city treasurer, and bearing such rate of interest, not exceeding four per cent. per annum, as the city council may determine. Said city shall provide for the payment of said indebtedness by fixed annual proportionate payments, the first of said payments to be made not later than five years from the date of incurring such indebtedness, and the aggregate amount of such annual payments shall be such as to extinguish the debt at maturity. The sinking fund of any loan of the city may be invested therein.

Brockton Sewerage Loan, 1895.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes and acts in amendment thereof or in addition thereto, except as otherwise herein provided, shall apply to the indebtedness authorized by this act and the securities issued hereunder.

P. S. 29, etc., to apply.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1895.

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO ISSUE BONDS TO REDEEM CERTAIN BONDS HELD IN ITS SINKING FUNDS.

Chap. 37.

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River, for the purpose of redeeming the following described bonds held in its sinking funds, viz.: — Funding loan of forty-two thousand dollars at five per cent., due on the first day of May in the year eighteen hundred and ninety-eight. Water loan of five thousand dollars at six per cent., due on the first

City of Fall River may issue bonds, etc.

City of Fall
River may issue
bonds, etc.

day of August in the year eighteen hundred and ninety-nine. Water loan of twenty thousand dollars at four per cent., due on the first day of August in the year nineteen hundred. Water loan of twenty-seven thousand dollars at five per cent., due on the first day of May in the year nineteen hundred and eight. Water loan of twenty thousand dollars at five per cent., due on the first day of February in the year nineteen hundred and nine. Water loan of eleven thousand dollars at five per cent., due on the first day of May in the year nineteen hundred and nine; may issue from time to time as herein set forth, bonds to the amount of one hundred and twenty-five thousand dollars. Said bonds shall be for the same purposes, bearing the same rate of interest, and maturing at the same times, as those which they shall be issued to replace. The proceeds of the sale of the bonds issued by virtue of this act shall be applied by the treasurer of said city for the redemption of the bonds above specifically described, and purchasers thereof shall not be responsible for the application of such proceeds.

P. S. 29 to
apply.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes relating to sinking funds shall apply to the bonds authorized by this act.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1895.

Chap. 38. AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL AND CONTINGENT EXPENSES OF THE LEGISLATIVE AND EXECUTIVE DEPARTMENTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit : —

LEGISLATIVE DEPARTMENT.

Senate,
stationery.

For stationery for the senate, purchased by the clerk, a sum not exceeding nine hundred dollars.

House of repre-
sentatives,
stationery.

For stationery for the house of representatives, purchased by the clerk, a sum not exceeding three thousand dollars.

For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding twelve hundred dollars.

Sergeant-at-arms, stationery, etc.

For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.

Incidental expenses.

EXECUTIVE DEPARTMENT.

For the contingent expenses of the executive department, the sum of three thousand dollars.

Executive department, expenses.

For postage, printing and stationery for the executive department, a sum not exceeding eight hundred dollars.

Postage, printing, etc.

For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars.

Governor and council.

For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.

Executive council.

For incidental and contingent expenses in the department of the secretary of the Commonwealth, a sum not exceeding thirty-five hundred dollars.

Secretary of the Commonwealth.

For incidental and contingent expenses in the department of the treasurer and receiver general, a sum not exceeding thirty-five hundred dollars.

Treasurer and receiver general.

For incidental and contingent expenses in the department of the auditor of the Commonwealth, a sum not exceeding one thousand dollars.

Auditor.

For books, stationery, postage, printing and other necessary expenses in the department of the attorney-general, a sum not exceeding twenty-nine hundred dollars; and for expenses of civil actions, a sum not exceeding eight hundred dollars.

Attorney-general.

MISCELLANEOUS.

For repairs, improvements, furniture and other necessary expenses at the Commonwealth building, a sum not exceeding five thousand dollars.

Commonwealth building, repairs, etc.

For rent of rooms formerly used by the civil service commission, to February twenty-eighth of the present year, two hundred and forty-one dollars and sixty-seven cents.

Rent of rooms.

For rent of rooms for the use of the bureau of statistics of labor, and for services of a janitor, a sum not exceeding three thousand dollars.

Bureau of statistics of labor.

For rent of additional rooms for the use of the bureau of statistics of labor, for such period of time as may be

Rent of additional rooms for decennial census.

required for the purposes of the decennial census, a sum not exceeding twenty-five hundred dollars, this amount being for rent for the present year.

Rent of rooms
for storage.

For rent of rooms for the bureau of statistics of labor, for storage purposes, a sum not exceeding five hundred dollars.

Highway com-
mission.

For rent of rooms for the use of the state highway commission, a sum not exceeding fifteen hundred dollars, which amount is payable from the state highway loan fund.

State house
elevators.

For the compensation of the men employed to run the elevators at the state house, and for all other necessary expenses in connection therewith, the same to include all necessary repairs to said elevators, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

Chap. 39.

AN ACT RELATIVE TO THE STATE HOUSE LOANS SINKING FUNDS.

Be it enacted, etc., as follows:

State House
Loans Sinking
Fund.

SECTION 1. The treasurer and receiver general is hereby authorized to consolidate the sinking funds established for the payment of the state house construction loan, issued under the provisions of chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine, and for the payment of the several loans known as state house, nineteen hundred and one, authorized by chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight, chapter three hundred of the acts of the year eighteen hundred and eighty-nine, chapter four hundred and thirty-eight of the acts of the year eighteen hundred and ninety-two, chapters one hundred and twenty-nine and three hundred and twenty-five of the acts of the year eighteen hundred and ninety-three and chapter five hundred and thirty-two of the acts of the year eighteen hundred and ninety-four, into one sinking fund, to be known as the State House Loans Sinking Fund. He shall apportion to said fund, from year to year, an amount which together with the accumulations will be sufficient to pay all of said loans as they become due, and the amount necessary each year, as determined by the treasurer, to meet the interest and sinking fund requirements shall be included in and assessed as a part of the state tax.

To be assessed
as part of state
tax.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE GENERAL SUPERINTENDENT OF PRISONS. *Chap. 40.*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses in the office of the general superintendent of prisons, for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit : —

For the salary of the general superintendent of prisons, thirty-five hundred dollars. Appropriations.
General superintendent of prisons, salary.

For clerical assistance to the general superintendent of prisons, a sum not exceeding one thousand dollars. Clerical assistance.

For travelling expenses of the general superintendent of prisons, a sum not exceeding five hundred dollars. Travelling expenses.

For incidental and contingent expenses of the general superintendent of prisons, a sum not exceeding one thousand dollars. Incidental expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY EDUCATIONAL EXPENSES. *Chap. 41.*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit : —

For the support of state normal schools, including accountants and certain other expenses of the boarding houses at Bridgewater, Framingham and Westfield, a sum not exceeding one hundred and nineteen thousand and sixty-eight dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, the excess, if any, from the treasury of the Commonwealth. Appropriations.
State normal schools.

For the support of the state normal art school, a sum not exceeding eighteen thousand seven hundred and ninety dollars, to be paid out of the moiety of the income of the Massa- State normal art school.

Teachers' institutes.	<p>chusetts school fund applicable to educational purposes, the excess, if any, from the treasury of the Commonwealth.</p> <p>For expenses of teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.</p>
Massachusetts teachers' association.	<p>For the Massachusetts teachers' association, the sum of three hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, subject to the approval of the state board of education.</p>
Board of education, agents.	<p>For salaries and expenses of agents of the state board of education, a sum not exceeding nineteen thousand eight hundred and twenty-five dollars.</p>
Incidental expenses.	<p>For incidental and contingent expenses of the state board of education and of the secretary thereof, a sum not exceeding eighteen hundred dollars.</p>
County teachers' associations.	<p>For expenses of county teachers' associations, a sum not exceeding three hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.</p>
Dukes County educational association.	<p>For the Dukes County educational association, the sum of fifty dollars.</p>
Aid to pupils in normal schools.	<p>For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.</p>
School superintendents in small towns.	<p>To enable small towns to provide themselves with school superintendents, a sum not exceeding fifty-five thousand dollars.</p>
Board of education, members.	<p>For travelling and other necessary expenses of the members of the state board of education, a sum not exceeding one thousand dollars.</p>
Education of deaf pupils.	<p>For the education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding forty-two thousand dollars.</p>
Free public libraries.	<p>To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding three thousand dollars; and for clerical assistance, incidental and necessary expenses of the board of library commissioners, a sum not exceeding five hundred dollars.</p>
State library.	<p>For contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding eighteen hundred dollars.</p>

The income of the Rogers book fund, of the Todd normal school fund, and of the two educational funds, shall be expended in accordance with the provisions of the various acts relating thereto. Income of certain funds.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

AN ACT MAKING APPROPRIATIONS FOR COMPENSATION AND MILITARY OF OFFICERS AND MEN OF THE VOLUNTEER MILITIA AND FOR OTHER EXPENSES OF THE MILITARY DEPARTMENT. Chap. 42.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: — Appropriations.

For the compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and eight thousand dollars. Militia, compensation.

For transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding twenty thousand dollars. Transportation.

For incidental and contingent expenses in the adjutant general's department, a sum not exceeding four thousand dollars. Incidental expenses.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-nine thousand dollars. Rent of armories.

For quartermasters' supplies, a sum not exceeding twenty-five thousand dollars. Quartermasters' supplies.

For incidental and contingent expenses of the quartermaster general's department, a sum not exceeding five thousand dollars. Incidental expenses.

For grading and care of the camp ground of the Commonwealth at Framingham, a sum not exceeding one thousand dollars. Camp ground.

For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand dollars. Military accounts.

For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding two thousand dollars. Record of officers, sailors, etc.

Care, etc., of
armories.

For expenses of the care of heating, lighting and furnishing the new armories recently erected in certain cities of the Commonwealth, for the use of the volunteer militia, a sum not exceeding eighteen thousand dollars.

Clothing.

For allowance and repairs of clothing of the volunteer militia, a sum not exceeding nine thousand dollars.

Rifle practice.

For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding fifteen thousand dollars.

Sale of grass at
camp ground,
etc.

Any sums of money received under the provisions of section eighty-seven of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three, and from the sale of grass at the state camp ground during the year eighteen hundred and ninety-five, may be expended by the quartermaster general during the present year, under the direction of the governor and council, for the construction and repair of buildings or other structures.

SURGEON GENERAL'S DEPARTMENT.

Medical
supplies, etc.

For medical supplies for the use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

Chap. 43. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRIMARY SCHOOL AT MONSON.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state primary school at Monson during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit:—

State primary
school.

For the payment of salaries, wages and labor at the state primary school at Monson, a sum not exceeding thirteen thousand dollars; and for other current expenses at said institution, a sum not exceeding seventeen thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

AN ACT MAKING AN APPROPRIATION FOR THE CARE AND SUPER-
VISION OF THE PROVINCE LANDS AT PROVINCETOWN. *Chap. 44.*

Be it enacted, etc., as follows :

SECTION 1. The sum of thirty-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the care and supervision of the province lands in the town of Provincetown, to be expended under the direction of the harbor and land commissioners.

Care of province
lands at
Provincetown.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

AN ACT TO AUTHORIZE THE EXTENSION OF THE ARNOLD
ARBORETUM. *Chap. 45.*

Be it enacted, etc., as follows :

SECTION 1. If the board of park commissioners of the city of Boston deem it desirable to take at any time, or from time to time, the whole or any part of that tract of land in that part of the city of Boston known as West Roxbury, held by the President and Fellows of Harvard College under the trusts created by the will of Benjamin Bussey, for the purpose of extending the Arnold Arboretum, so-called, and for the purposes and under the powers and limitations set forth in chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five and acts in addition thereto and amendment thereof, said board of park commissioners, acting for said city of Boston, is hereby authorized to lease such portion of said tracts of land so taken as the said board of park commissioners may deem not necessary for the use as parkways and grounds to the President and Fellows of Harvard College, to be held by them to the same uses and purposes as the arboretum is now held under the trusts created by the wills of Benjamin Bussey and of James Arnold, and for such a term and upon such mutual restrictions, reservations, covenants and conditions as to the use thereof by the public in connection with the uses of the same under said trusts, and as to the rights, duties and obligations of the contracting parties, as may be agreed upon between said park commissioners with the approval of the mayor and said president and fellows. The board of park commissioners on the part of the city

May take land
for extension
of the Arnold
Arboretum.

May execute
and deliver
lease.

of Boston, and the treasurer on behalf of the President and Fellows of Harvard College, are hereby authorized to execute and deliver any lease as aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

Chap. 46. AN ACT RELATIVE TO THE REGISTRATION OF AGENTS OF DOMESTIC INSURANCE COMPANIES.

Be it enacted, etc., as follows :

Names of agents
to be filed with
insurance com-
missioner.

SECTION 1. Every corporation heretofore or hereafter chartered under the laws of this Commonwealth to transact the business of insurance of any kind shall file with the insurance commissioner the name and residence of each person it appoints or employs to act as its agent; and whoever shall assume to act as such agent, or shall in any manner for compensation aid in negotiating contracts of insurance on behalf of such corporation for a person other than himself, prior to the filing of such notice of appointment, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalties of section one hundred and ten of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four.

To take effect
July 1, 1895.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and ninety-five.

Approved February 12, 1895.

Chap. 47. AN ACT TO EXTEND THE LIMIT OF INDEBTEDNESS OF THE CITY OF NEWTON.

Be it enacted, etc., as follows :

Not to be
included in
debt limit.

SECTION 1. In determining the limit of indebtedness of the city of Newton, debts which have been incurred or which may hereafter be incurred for the construction of main drains and common sewers to the amount of one million dollars shall not be included.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1895.

Chap. 48. AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE EXTERMINATION OF CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

Be it enacted, etc., as follows :

Contagious
diseases among
animals.

SECTION 1. The sum of fifty thousand dollars is hereby appropriated, to be paid out of the treasury of

the Commonwealth from the ordinary revenue, for the purpose of meeting expenses in connection with the extermination of contagious diseases among horses, cattle and other animals during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1895.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH TAKING THE DECENNIAL CENSUS. Chap. 49.

Be it enacted, etc., as follows:

SECTION 1. The sum of one hundred and twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of expenses in connection with taking the decennial census, as provided for by chapter two hundred and twenty-four of the acts of the year eighteen hundred and ninety-four, the same to be in addition to the twenty-five thousand dollars appropriated by chapter three hundred and forty-eight of the acts of the year eighteen hundred and ninety-four.

Decennial
census,
expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR. Chap. 50.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

Appropriations.

EXECUTIVE DEPARTMENT.

For the compensation of the lieutenant governor, two thousand dollars; and for the executive council, sixty-four hundred dollars. For travelling expenses of the executive council, a sum not exceeding fifteen hundred dollars.

Lieutenant
governor and
council, com-
pensation, etc.

For the salary of the private secretary of the governor, twenty-five hundred dollars.

Private
secretary.

Executive clerk.	For the salary of the executive clerk of the governor and council, two thousand dollars.
Stenographer.	For the salary of the executive stenographer, a sum not exceeding one thousand dollars.
Messenger.	For the salary of the executive messenger, twelve hundred dollars.

SECRETARY'S DEPARTMENT.

Secretary.	For the salary of the secretary of the Commonwealth, thirty-five hundred dollars.
First clerk.	For the salary of the first clerk in the secretary's department, twenty-two hundred dollars.
Second clerk.	For the salary of the second clerk in the secretary's department, two thousand dollars.
Third clerk.	For the salary of the third clerk in the secretary's department, eighteen hundred dollars.
Cashier.	For the salary of the cashier in the secretary's department, a sum not exceeding fifteen hundred dollars.
Messenger and additional clerical assistance.	For a messenger and such additional clerical assistance as the secretary may find necessary, a sum not exceeding thirteen thousand dollars.

TREASURER AND RECEIVER GENERAL'S DEPARTMENT.

Treasurer.	For the salary of the treasurer and receiver general, five thousand dollars.
First clerk.	For the salary of the first clerk in the treasurer's department, twenty-five hundred dollars.
Second clerk.	For the salary of the second clerk in the treasurer's department, two thousand dollars.
Cashier.	For the salary of the cashier in the treasurer's department, two thousand dollars.
Third clerk.	For the salary of the third clerk in the treasurer's department, fourteen hundred dollars.
Fund clerk.	For the salary of the fund clerk in the treasurer's department, fourteen hundred dollars.
Receiving teller.	For the salary of the receiving teller in the treasurer's department, fourteen hundred dollars.
Paying teller.	For the salary of the paying teller in the treasurer's department, fourteen hundred dollars.
Clerical assistance.	For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding one thousand dollars.
Deputy sealer of weights, measures, etc.	For the salary of the deputy sealer of weights, measures and balances, twelve hundred dollars.

For clerical assistance in the office of the treasurer and receiver general, in connection with the assessment and collection of taxes on collateral legacies and successions, a sum not exceeding one thousand dollars. Collection of taxes on collateral legacies, etc.

For clerical assistance in the office of the treasurer and receiver general, in the care and custody of deposits made with him in trust, a sum not exceeding eighteen hundred dollars. Custody of trust deposits.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of the Commonwealth, thirty-five hundred dollars. Auditor.

For the salary of the first clerk in the auditor's department, twenty-two hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, two thousand dollars. Second clerk.

For the salaries of the extra clerks in the auditor's department, forty-five hundred dollars. Extra clerks.

For a messenger, and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding twenty-five hundred dollars. Messenger and additional clerical assistance.

For the compensation of a state printing expert, a sum not exceeding one thousand dollars. Printing expert.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, five thousand dollars. Attorney-general.

For the salary of the first assistant attorney-general, twenty-five hundred dollars. First assistant.

For the salary of the second assistant attorney-general, fifteen hundred dollars. Second assistant.

STATE HOUSE, ETC.

For the salary of the engineer at the state house, fifteen hundred dollars. Engineer.

For the salaries of the two watchmen at the state house, one thousand dollars each. Watchmen.

For the salary of the sergeant-at-arms' messenger, who is detailed and performs service as messenger to the treasurer and receiver general, sixteen hundred dollars. Sergeant-at-arms' messenger.

For the salaries of the two additional messengers to the sergeant-at-arms, known as sergeant-at-arms' messengers, eleven hundred dollars each. Additional messengers.

Firemen and janitor. For the salaries of the firemen at the state house, and fireman and janitor at the Commonwealth building, nine hundred dollars each.

Assistant fireman. For the salary of the assistant fireman at the state house, two dollars and one half per day for each day employed.

COMMISSIONERS AND OTHERS.

Tax commissioner. For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars.

First clerk. For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.

Second clerk. For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.

Clerical assistance. For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding sixteen thousand dollars.

Commissioners of savings banks, chairman. For the salary of the chairman of the commissioners of savings banks, thirty-five hundred dollars.

Associate commissioners. For the salaries of the two associate commissioners of savings banks, three thousand dollars each.

First clerk. For the salary of the first clerk of the commissioners of savings banks, two thousand dollars.

Second clerk. For the salary of the second clerk of the commissioners of savings banks, twelve hundred dollars.

Insurance commissioner. For the salary of the insurance commissioner, thirty-five hundred dollars.

Deputy. For the salary of the deputy insurance commissioner, twenty-five hundred dollars.

First clerk. For the salary of the first clerk of the insurance commissioner, two thousand dollars.

Second clerk. For the salary of the second clerk of the insurance commissioner, fifteen hundred dollars.

Third clerk. For the salary of the third clerk of the insurance commissioner, twelve hundred dollars.

Additional clerks, etc. For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding sixteen thousand five hundred dollars.

Inspector of gas meters. For the salary of the inspector of gas meters, two thousand dollars.

Assistant inspector. For the salary of the assistant inspector of gas meters, twelve hundred dollars.

Commissioners of prisons, secretary. For the salary of the secretary of the commissioners of prisons, twenty-five hundred dollars.

For clerical assistance in the office of the commissioners of prisons, a sum not exceeding twenty-five hundred dollars.

Clerical assistance.

For the salary of the agent for aiding discharged female prisoners, a sum not exceeding seven hundred and seventy-five dollars.

Agent for aiding discharged female prisoners.

For the salaries of the agents of the commissioners of prisons, twenty-four hundred dollars.

Commissioners of prisons, agents.

For the salaries of the railroad commissioners, eleven thousand dollars.

Railroad commissioners.

For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars.

Clerk.

For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars.

Accountant.

For the salaries of the railroad inspectors, provided for by chapter five hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, forty-five hundred dollars.

Railroad inspectors.

For the salary of the assayer and inspector of liquors, twelve hundred dollars.

Assayer and inspector of liquors.

For the salary of the chief of the bureau of statistics of labor, twenty-five hundred dollars.

Bureau of statistics of labor, chief.

For the salary of the first clerk of the bureau of statistics of labor, eighteen hundred dollars.

First clerk.

For the salary of the second clerk of the bureau of statistics of labor, fifteen hundred dollars.

Second clerk.

For such additional clerical assistance and for such expenses of the bureau of statistics of labor as may be necessary, a sum not exceeding five thousand dollars.

Additional clerical assistance, etc.

For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding sixty-five hundred dollars.

Statistics of manufactures.

For the salary of the commissioner of state aid, appointed by the governor and council, twenty-five hundred dollars.

Commissioner of state aid.

For clerical assistance, salaries and expenses of agents, and other expenses of the commissioners of state aid, a sum not exceeding eight thousand two hundred and sixty dollars.

Clerical assistance, etc.

For the salaries of the harbor and land commissioners, sixty-four hundred dollars.

Harbor and land commissioners.

For compensation and expenses of the engineer, for clerical and other assistance authorized by the harbor and land commissioners, a sum not exceeding five thousand dollars.

Engineer, etc.

Civil service
commission, etc.

For the salary of the chief examiner of the civil service commission, three thousand dollars; for the salary of the secretary of said commission, two thousand dollars; and for the compensation and expenses of the members of the civil service commission, a sum not exceeding two thousand dollars.

Gas and electric
light commis-
sioners, etc.

For the salaries of the gas and electric light commissioners, eight thousand dollars; and for the compensation and expenses of the clerk and for clerical assistance of said commissioners, a sum not exceeding twenty-five hundred dollars.

Controller
of county
accounts, etc.

For the salary of the controller of county accounts, twenty-five hundred dollars; and for the salaries of the two deputies of said controller, three thousand dollars.

Board of
arbitration and
conciliation, etc.

For the salaries of the members of the state board of arbitration and conciliation, six thousand dollars; and for the salary of the clerk of said board, twelve hundred dollars.

Commissioner
of foreign
mortgage
corporations.
Highway
commission.

For the compensation of the commissioner of foreign mortgage corporations, three thousand dollars.

For the salaries of the Massachusetts highway commission, six thousand dollars, which sum is payable from the state highway loan fund.

State pension
agent.

For the salary of the state pension agent, two thousand dollars.

State fire
marshal, etc.

For the salary of the state fire marshal, forty-five hundred dollars; and for the salary of the deputy fire marshal, twenty-five hundred dollars.

State board
of health,
secretary.

For the salary of the secretary of the state board of health, three thousand dollars.

Commissioner
of public
records, etc.

For the salary of the commissioner of public records, twenty-five hundred dollars; and for travelling, clerical and other necessary expenses, a sum not exceeding twenty-three hundred dollars.

Commissioner
to edit pro-
vincial laws.

For the salary of the commissioner appointed to edit the provincial laws, two thousand dollars.

Medfield insane
asylum, build-
ing committee.

For the compensation of the building committee of the Medfield insane asylum, sixty-five hundred dollars.

AGRICULTURAL DEPARTMENT.

Board of
agriculture,
secretary.
Clerks.

For the salary of the secretary of the state board of agriculture, twenty-five hundred dollars.

For the salary of the first clerk of the secretary of the state board of agriculture, sixteen hundred dollars; and

for the salary of the second clerk of said secretary, twelve hundred dollars.

For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding eight hundred dollars. Clerical assistance, etc.

For the salary of the executive officer of the state dairy bureau, five hundred dollars. State dairy bureau.

For the salary of an assistant to the secretary of the state board of agriculture, to assist in the work of the state dairy bureau, twelve hundred dollars. Assistant to secretary.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the state board of education, forty-five hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes. Board of education, secretary.

For the salary of the state librarian, three thousand dollars. State librarian.

For the purchase of books for the state library, five thousand dollars. Books for library.

For such clerical assistance in the state library as the trustees and librarian may find necessary, a sum not exceeding thirty-five hundred dollars. Clerical assistance.

For preparing an index to current events, and such other matters as may be deemed important by the trustees and librarian, contained in the newspapers of the day, a sum not exceeding one thousand dollars. Index to current events.

MILITARY DEPARTMENT.

For the salary of the adjutant general, thirty-six hundred dollars. Adjutant general.

For the salary of the first clerk in the adjutant general's department, twenty-two hundred dollars. First clerk.

For the salary of the second clerk in the adjutant general's department, sixteen hundred dollars. Second clerk.

For the salary of an additional clerk in the adjutant general's department, two thousand dollars. Additional clerk.

For the salaries of the two extra clerks in the adjutant general's department, twelve hundred dollars each. Extra clerks.

For the salary of the messenger in the adjutant general's department, eight hundred dollars. Messenger.

For such additional clerical assistance as the adjutant general may deem necessary, and for compensation of employees at the state arsenal, a sum not exceeding six thousand dollars. Clerical assistance.

Surgeon
general.

For the salary of the surgeon general, twelve hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

Chap. 51. AN ACT MAKING AN APPROPRIATION FOR CARRYING OUT THE PROVISIONS OF THE ACT TO PROTECT THE PURITY OF INLAND WATERS, AND TO REQUIRE CONSULTATION WITH THE STATE BOARD OF HEALTH, REGARDING THE ESTABLISHMENT OF SYSTEMS OF WATER SUPPLY, DRAINAGE AND SEWERAGE.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses in connection with the protection of the purity of inland waters during the year eighteen hundred and ninety-five, to wit: —

Purity of inland
waters.

For services of engineers, chemists, biologists and other assistants, and for other expenses made necessary and authorized by chapter three hundred and seventy-five of the acts of the year eighteen hundred and eighty-eight, which requires the state board of health to have the general oversight and care of all inland waters and to consult with and advise cities and towns with regard to the most appropriate source of water supply, the best method of assuring the purity thereof and the best practicable method of disposing of their sewage or drainage, a sum not exceeding thirty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

Chap. 52. AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet sundry charitable expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

STATE BOARD OF LUNACY AND CHARITY.

Board of lunacy
and charity.

For expenses of the state board of lunacy and charity, including travelling and other expenses of members,

necessary legal expenses, and salary and expenses of the clerk and auditor of said board, a sum not exceeding forty-seven hundred and fifty dollars.

For salaries and expenses in the department of the indoor poor, a sum not exceeding forty-five thousand dollars.

For salaries and expenses in the department of outdoor poor, a sum not exceeding twenty-four thousand dollars.

For salaries and expenses in the department of the inspector of institutions, a sum not exceeding ten thousand five hundred dollars.

For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding fifteen hundred dollars.

MISCELLANEOUS CHARITABLE.

For the transportation of state paupers, a sum not exceeding twenty thousand dollars.

For the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, and of state lunatic paupers boarded out in families, for the present and previous years, a sum not exceeding one hundred and eighty thousand dollars.

The reimbursement of expenses incurred by certain towns in the maintenance of the insane, as provided for in chapter two hundred and forty-three of the acts of the year eighteen hundred and ninety-two, shall be paid from the appropriation for the support of state lunatic paupers, and any unpaid bills of previous years may be paid from the appropriation of the present year.

For expenses attending the management of cases of settlement and bastardy, a sum not exceeding one thousand dollars.

For the care and maintenance of indigent and neglected children and juvenile offenders, a sum not exceeding sixty thousand dollars.

For the support of state paupers in the Massachusetts school for the feeble-minded and the hospital cottages for children at Baldwinville, a sum not exceeding ten thousand dollars.

For the support of sick state paupers by cities and towns, for the present and previous years, the same to include cases of wife settlement, a sum not exceeding seventy thousand dollars.

Burial of state paupers.	For the burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding eight thousand dollars.
Temporary aid.	For temporary aid for state paupers and shipwrecked seamen, by cities and towns, for the present and previous years, a sum not exceeding thirty thousand dollars.
Pauper infants.	For the support and transportation of unsettled pauper infants in this Commonwealth, including infants in infant asylums, a sum not exceeding twenty-five thousand dollars.
Dangerous diseases.	For expenses incurred in connection with smallpox and other diseases dangerous to the public health, for the present and previous years, a sum not exceeding five thousand dollars.
Medfield insane asylum, trustees.	For travelling and other necessary expenses of the trustees of the Medfield insane asylum, to include office rent, clerk hire and telephones, a sum not exceeding three thousand and twenty-five dollars.
Medical examiners.	For fees for medical examiners, a sum not exceeding five hundred dollars.
Johonnot annuities.	For annuities due from the Commonwealth, incurred by the acceptance of the bequest of the late Martha Johonnot, a sum not exceeding four hundred dollars.
Annuities to soldiers, etc.	For annuities to soldiers and others, as authorized by the legislature, the sum of thirty-one hundred and twenty-eight dollars.
Pensions.	For pensions, the sum of five hundred and twenty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

Chap. 53. AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND NINETY-FOUR.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses in excess of appropriations therefor in the year eighteen hundred and ninety-four, to wit: —
Senate and house, printing and binding.	For printing and binding for the senate and house of representatives, ordered by the clerks of the two branches, the sum of fifty dollars and forty-three cents.

For contingent expenses in the state library, the sum of forty-nine dollars and sixty-two cents.	State library.
For registration books and blanks, the sum of seventy-four dollars and seventy cents.	Registration books and blanks.
For travelling expenses of members of the state board of education, the sum of eighty-eight dollars and thirty-seven cents.	Board of education, members.
For incidental expenses in the office of the secretary of the Commonwealth, the sum of one hundred and eight dollars and seventeen cents.	Secretary of the Commonwealth.
For postage, printing and stationery on account of state and military aid, the sum of one hundred and fourteen dollars and thirty-five cents.	State and military aid.
For contingent expenses of the commissioners on inland fisheries and game, the sum of one hundred eighteen dollars and sixty-six cents.	Commissioners on inland fisheries and game.
For contingent expenses of the state military and naval historian, the sum of one hundred and seventy-four dollars and twenty-eight cents.	State military and naval historian.
For contingent expenses of the insurance commissioner, the sum of three hundred nineteen dollars and seventy-nine cents.	Insurance commissioner.
For expenses of the agent for aiding discharged female prisoners, the sum of four hundred dollars and thirty-one cents.	Agent for aiding discharged female prisoners.
For the payment of salaries at the state almshouse at Tewksbury, the sum of five hundred fifty-one dollars and sixty-three cents.	State almshouse.
For contingent expenses of the civil service commissioners, the sum of six hundred fifty dollars and nine cents.	Civil service commissioners.
For printing general laws, the sum of six hundred thirty-seven dollars and sixty-eight cents.	Printing general laws.
For expenses of the railroad commissioners, the sum of six hundred and fifty-two dollars and one cent.	Railroad commissioners.
For printing blue book, the sum of one thousand twenty-six dollars and twenty cents.	Printing blue book.
For the education of deaf pupils, the sum of sixteen hundred ninety dollars and fifteen cents.	Education of deaf pupils.
For expenses of the metropolitan park commissioners, the sum of sixteen hundred eighty-nine dollars and fifty-seven cents.	Metropolitan park commissioners.
For salaries of instructors at the Massachusetts reformatory, the sum of eighteen hundred seventy-seven dollars and forty-six cents.	Massachusetts reformatory.

Nautical
training school.

For expenses at the Massachusetts nautical training school, the sum of thirty-nine hundred four dollars and thirty-three cents.

Purchase of
paper.

For the purchase of paper for the Commonwealth, used in carrying out the state printing contract, the sum of forty-three hundred thirty-three dollars and forty-eight cents.

Courts of
probate and
insolvency.

For expenses of courts of probate and insolvency, the sum of forty-seven hundred fifteen dollars and forty-nine cents.

State prison.

For the payment of expenses in connection with the industries at the Massachusetts state prison at Boston, the sum of eighty-nine hundred fourteen dollars and five cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

Chap. 54. AN ACT PROVIDING FOR ADDITIONAL COPIES OF PART SECOND OF
THE REPORT OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

Report of
insurance
commissioner,
Part II.

SECTION 1. There shall be printed for the use of the insurance commissioner, in addition to the number now provided by law, one thousand copies of Part II, of the annual report of said commissioner relating to life, casualty and other insurance.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

Chap. 55. AN ACT FOR THE PROTECTION OF MONGOLIAN, ENGLISH AND GOLDEN
PHEASANTS.

Be it enacted, etc., as follows:

Protection
of Mongolian
pheasants, etc.

Whoever takes or kills, or has in his possession, except for purposes of propagation, any Mongolian, English or golden pheasant, at any time within five years from the passage of this act, shall be punished by a fine of twenty dollars for every bird so taken, killed or had in possession.

Approved February 15, 1895.

Chap. 56. AN ACT TO AUTHORIZE THE COMMISSIONERS ON INLAND FISHERIES
AND GAME TO PROPAGATE BIRDS AND ANIMALS.

Be it enacted, etc., as follows:

1886, 276, § 7,
amended.

SECTION 1. Section seven of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six is hereby amended by inserting in the third line, after the word "the", the word:—propagation,—so as to read as follows:—*Section 7.* The commissioners

of inland fisheries shall be game commissioners also; and their authority, personally and by deputy, shall extend to the propagation, protection and preservation of birds and animals in like manner as to fish.

Propagation,
etc., of birds
and animals.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

AN ACT RELATIVE TO THE CONSOLIDATION OF THE MASSACHUSETTS AGRICULTURAL EXPERIMENT STATION WITH THE EXPERIMENT DEPARTMENT OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 57.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and forty-three of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the first line, the words "board of control of the"; by striking out in the sixth line, the words "and board"; by striking out in the same line, the words "the trustees of"; by striking out in the seventh line, the word "said"; by inserting in the same line, after the word "trustees", the words: — of said college, — and by striking out in the eleventh and twelfth lines, the words "the said board of control shall cease to exist and", so as to read as follows:

1894, 143, § 2,
amended.

— *Section 2.* The said Massachusetts agricultural experiment station, at any meeting duly called for such purpose, may, by a vote of two thirds of the members present, authorize the transfer of all the rights, leases, contracts and property, of every kind and nature, of said station to the Massachusetts agricultural college; and the trustees of said college may, at any meeting duly called for such purpose, accept the same for said college in behalf of the Commonwealth, whereupon such transfer shall be made by suitable conveyance; and when such transfer shall be made the said Massachusetts agricultural experiment station shall be deemed to be a part of, and to belong to, the experiment department of said college, under such name as said trustees may designate.

Agricultural
experiment
station, transfer
of rights, leases,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON INLAND FISHERIES AND GAME.

Chap. 58.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Common-

Appropriations.

wealth from the ordinary revenue, for the compensation and expenses of the commissioners on inland fisheries and game during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit : —

Commissioners
on inland
fisheries and
game.

For the compensation and expenses of the commissioners on inland fisheries and game, a sum not exceeding thirty-two hundred and fifty dollars.

Hatching.

For one half of the expenses of the hatching at Plymouth, in the state of New Hampshire, a sum not exceeding seven hundred dollars.

Propagation and
distribution of
fish, etc.

For the enforcement of laws, propagation and distribution of salmon, trout, shad, carp and lobsters, for incidentals, printing and contingent expenses, rent of hatcheries, payments for land, running expenses and maintenance of hatcheries, a sum not exceeding fifty-two hundred dollars.

Travelling
expenses.

For travelling expenses of a member of the district police, detailed for service with said commissioners, a sum not exceeding five hundred dollars.

Expenses of
steamer.

For the payment of the running expenses and necessary repairs of the steamer in charge of the commissioners, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1895.

Chap. 59. AN ACT RELATIVE TO THE HAZARD TO BE ASSUMED BY INSURANCE COMPANIES, THE LICENSING OF BROKERS AND THE FORM OF THE STANDARD POLICY.

Be it enacted, etc., as follows :

1894, 522, § 20,
amended.

SECTION 1. Section twenty of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the twelfth line, the word " fire ", so as to read as follows : —

Insurance
companies to
make sworn
report of rein-
surance, etc.

Section 20. If any company authorized to transact the business of insurance in this Commonwealth shall directly or indirectly contract for or effect any reinsurance of any risk or part thereof taken by it, it shall make a sworn report thereof to the insurance commissioner at the time of filing its annual statement, or at such other time as he may request; and such reinsurance, except so far as it is in companies authorized to do business in this Commonwealth, shall not reduce the reserve required of it or the taxes to be paid by it, or increase the amount it is author-

ized to have at risk in any town or fire insurance district. No insurance company shall insure in a single hazard a larger sum than one tenth of its net assets: *provided, however,* that a mutual boiler insurance company of this Commonwealth may insure in a single risk an amount not exceeding one fourth of its net assets.

Limit of single hazard.

Proviso.

SECTION 2. Section ninety-three of said chapter is hereby amended by inserting in the tenth line, after the word "any", the word:—suitable,—so as to read as follows:—*Section 93.* Whoever, for compensation, acts or aids in any manner in negotiating contracts of insurance or reinsurance or placing risks or effecting insurance or reinsurance for a person other than himself, and not being the appointed agent or officer of the company in which such insurance or reinsurance is effected, shall be deemed an insurance broker, and no person shall act as such broker save as provided in this section.

1894, 522, § 93, amended.

Certain persons to be deemed insurance brokers.

The insurance commissioner may, upon the payment of a fee of ten dollars, issue to any suitable person a certificate of authority to act as an insurance broker to negotiate contracts of insurance or reinsurance or place risks or effect insurance or reinsurance with any qualified domestic insurance company or its agents, and with the authorized agents in the Commonwealth of any foreign insurance company duly admitted to do business in the Commonwealth.

Commissioner may issue certificate of authority.

Such certificate shall remain in force for one year unless revoked by the commissioner for cause. Such cause shall exist upon conviction of the holder of such certificate of a violation of the insurance laws, and whenever it shall appear to the commissioner upon due proof after notice that the holder has unreasonably failed and neglected to pay over to the company or agent entitled thereto any premium or part thereof collected by him on any policy of insurance. The commissioner shall publish such revocation in such manner as he deems for the protection of the public.

Certificate of authority may be revoked for cause.

SECTION 3. The fourth paragraph of the standard form of policy in section sixty of said chapter is hereby amended by striking out in the second and fourth lines, the word "eighteen", and leaving a blank in the place of each word so stricken out, so as to read as follows:—Said property is insured for the term of _____, beginning on the _____ day of _____, in the

1894, 522, § 60, ¶ 4, amended.

Standard form of policy.

Standard form
of policy.

year hundred and , at noon, and
continuing until the day of , in the
year hundred and , at noon, against
all loss or damage by FIRE originating from any cause
except invasion, foreign enemies, civil commotions, riots,
or any military or usurped power whatever; the amount
of said loss or damage to be estimated according to the
actual value of the insured property at the time when
such loss or damage happens, but not to include loss or
damage caused by explosions of any kind unless fire
ensues, and then to include that caused by fire only.

1894, 522, § 60,
¶ 5, amended.

SECTION 4. The fifth paragraph of the standard form
of policy in section sixty of said chapter is hereby
amended by striking out in the twenty-fifth line, the word
“issued”, and inserting in place thereof the word:—
used,—so as to read as follows:—This policy shall be
VOID if any material fact or circumstance stated in writing
has not been fairly represented by the insured,—or if the
insured now has or shall hereafter make any other insur-
ance on the said property without the assent in writing or
in print of the company,—or if, without such assent, the
said property shall be removed, except that, if such re-
moval shall be necessary for the preservation of the prop-
erty from fire, this policy shall be valid without such
assent for five days thereafter,—or if, without such assent,
the situation or circumstances affecting the risk shall, by
or with the knowledge, advice, agency or consent of the
insured, be so altered as to cause an increase of such risks,
or if, without such assent, the said property shall be sold,
or this policy assigned, or if the premises hereby insured
shall become vacant by the removal of the owner or occu-
pant, and so remain vacant for more than thirty days
without such assent, or if it be a manufacturing establish-
ment, running, in whole or in part, extra time, except
that such establishments may run, in whole or in part, ex-
tra hours not later than nine o'clock P.M., or if such estab-
lishments shall cease operation for more than thirty days
without permission in writing indorsed hereon, or if the
insured shall make any attempt to defraud the company
either before or after the loss,—or if gunpowder or other
articles subject to legal restriction shall be kept in quanti-
ties or manner different from those allowed or prescribed
by law,—or if camphene, benzine, naphtha, or other
chemical oils or burning fluids shall be kept or used by

Matters voiding
policy.

Use, etc., of
camphene,
benzine, etc.

the insured on the premises insured, except that what is known as refined petroleum, kerosene, or coal oil, may be used for lighting, and in dwelling houses kerosene oil stoves may be used for domestic purposes, — to be filled when cold, by daylight, and with oil of lawful fire test only.

SECTION 5. This act shall take effect upon its passage.

Approved February 15, 1895.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE METROPOLITAN PARK COMMISSION.

Chap. 60.

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses of the parks and reservations in charge of the metropolitan park commissioners during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

Appropriation.

For the care and maintenance of reservations for the ensuing year, under the direction of the metropolitan park commissioners, the same to include salaries, rent, travelling expenses, stationery, incidental and contingent expenses of said commission, a sum not exceeding thirty-seven thousand dollars.

Care and maintenance of reservations.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1895.

AN ACT RELATIVE TO THE REGISTRATION OF VOTERS.

Chap. 61.

Be it enacted, etc., as follows:

SECTION 1. Every male applicant for registration shall present a certificate from the assessors, or a tax bill or notice from the collector of taxes, showing that he has been assessed as a resident of the city or town on the preceding first day of May, and the same shall be accepted by the registrars as prima facie evidence of such residence, or he shall present a certificate from the assessors that he has been a resident for the six months next preceding the election at which he claims the right to vote, and the same shall be accepted by the registrars as prima facie evidence of such residence. If a male person was a resident of the city or town on the first day of May, and was not assessed

Registration of male voters.

Registration of
male voters.

a poll tax by the assessors of said city or town on the first day of May, such person, in order to establish his right to be assessed, shall appear before the board of assessors, accompanied by two witnesses who shall testify under oath that they are registered voters of the ward or town in which he desires to be assessed, and who shall also testify under oath to the truth of the statement of the applicant in regard to his right to be assessed at the place claimed by him as a legal residence on the first day of May.

Evidence of
residence.

SECTION 2. Every male person moving into a city or town subsequently to the first day of May, and claiming the right to vote at an election and desiring to be registered by the registrars of voters, shall appear before the board of assessors, accompanied by two witnesses who shall testify under oath that they are registered voters of the ward or town in which he desires to be registered, and who shall also testify under oath to the truth of the statement of the applicant in regard to his being a resident of the city or town for the six months next preceding the election at which he claims the right to vote. The assessors shall give the applicant a certificate stating that he has complied with the provisions of this section.

Records to be
kept, copies
of laws to be
posted, etc.

SECTION 3. The assessors shall, in a book provided for that purpose, enter the name and residence of each person thus assessed or certified, and also opposite each name the names, occupations and residences of the parties who have testified under oath as above provided. In every place where voters are registered, the registrars, and in every place where oaths are administered under this act, the assessors, shall post in a conspicuous place a copy of sections three hundred and fifteen and three hundred and sixteen of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three, printed on white paper with black ink, in type not less than one quarter of an inch wide.

Sessions of
assessors.

SECTION 4. The assessors shall hold such day and such evening sessions as shall be necessary to carry out the provisions of this act.

Repeals.

SECTION 5. Section forty-nine of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three as amended by section three of chapter two hundred and seventy-one of the acts of the year eighteen hundred and ninety-four, and section four of chapter

two hundred and seventy-one of the acts of the year eighteen hundred and ninety-four, are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved February 16, 1895.

AN ACT TO AUTHORIZE THE NATICK AND COCHITUATE STREET RAILWAY COMPANY TO EXTEND ITS TRACKS.

Chap. 62.

Be it enacted, etc., as follows:

SECTION 1. The Natick and Cochituate Street Railway Company is hereby authorized to extend and operate its lines in and through the town of Wellesley, upon locations granted by the board of selectmen of said town and subject to such limitations and conditions as may be imposed by said board; and all locations and rights heretofore granted to said Natick and Cochituate Street Railway Company are hereby ratified and confirmed.

May extend its tracks.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1895.

AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE IN THE TOWN OF SOUTH HADLEY TO TAKE ADDITIONAL LAND FOR THE PROTECTION OF ITS WATER SUPPLY.

Chap. 63.

Be it enacted, etc., as follows:

SECTION 1. Fire District Number One in the town of South Hadley, for the purpose of protecting its water supply from impairment and pollution, may purchase, take and hold so much land in the city of Chicopee at the source and along the course of Buttery brook or any of its branches as may be necessary, with all water thereon.

May take certain land, etc., for protection of water supply.

SECTION 2. Said district shall, within sixty days after taking such land and water, file for record in the registry of deeds for the county of Hampden a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of said district.

Description of land, etc., to be recorded.

SECTION 3. Said fire district shall be liable to pay all damages to property sustained by any person or corporation by its taking of any land and water as aforesaid. Any person or corporation sustaining any such damage, and unable to agree with said district upon the amount thereof, may have such damages assessed by the county commissioners of the county of Hampden, by making a

Damages.

written application therefor within one year after sustaining such damage. Either party aggrieved by the doings of said commissioners in the estimation of such damages may have the same determined by a jury, and the said commissioners and jury shall have the same power and the proceedings shall in all respects be conducted in the manner provided by law in the case of taking land for highways.

Penalty for corrupting or diverting water, etc.

SECTION 4. Whoever maliciously corrupts, pollutes or diverts any of the water taken, or injures or destroys any works or property held, owned or used by said district under authority of this act, shall forfeit and pay to said district three times the actual damage, to be recovered in an action of tort; and on conviction of any of the acts aforesaid may be punished by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SECTION 5. This act shall take effect upon its passage.

Approved February 19, 1895.

Chap. 64. AN ACT TO CHANGE THE NAME OF THE CHARLES RIVER BAPTIST CHURCH.

Be it enacted, etc., as follows:

Name changed.

The name of the Charles River Baptist Church is hereby changed to the Immanuel Baptist Church of Cambridge.

Approved February 21, 1895.

Chap. 65. AN ACT TO AUTHORIZE THE TOWN OF NEWBURY TO MAKE REGULATIONS FOR THE USE OF A CERTAIN WHARF IN SAID TOWN

Be it enacted, etc., as follows:

1892, 272, § 1, amended.

SECTION 1. Section one of chapter two hundred and seventy-two of the acts of the year eighteen hundred and ninety-two is hereby amended by adding at the end thereof the following words: — and said town of Newbury is authorized to make rules, regulations and charges for the use of said wharf, and may sue for and recover said charges in an action of contract, — so as to read as follows: — *Section 1.* The town of Newbury is hereby authorized to construct and maintain a wharf in and over tide water at the public landing of said town on the River Parker, subject to the provisions of chapter nineteen of the Public Statutes; and said town of Newbury

Town of Newbury may construct wharf, etc.

is authorized to make rules, regulations and charges for the use of said wharf, and may sue for and recover said charges in an action of contract.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1895.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SAVINGS BANKS TO EMPLOY ADDITIONAL EXPERT AND CLERICAL ASSISTANTS.

Chap. 66.

Be it enacted, etc., as follows :

SECTION 1. The board of commissioners of savings banks may employ such additional clerical and expert assistants as it may from time to time require, and may expend therefor, including the actual travelling expenses of such assistants, a sum not exceeding twenty-five hundred dollars per annum.

Additional clerical and expert assistants.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1895.

AN ACT TO RATIFY THE PROCEEDINGS OF THE WEST CONGREGATIONAL SOCIETY OF WARREN.

Chap. 67.

Be it enacted, etc., as follows :

SECTION 1. The proceedings of the West Congregational Society of Warren and the election of its officers, so far as the same appear upon the records of said society, are hereby ratified and declared valid.

Proceedings ratified.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1895.

AN ACT TO CHANGE THE NAME OF THE SHATTUCK STREET UNIVERSALIST SOCIETY OF LOWELL.

Chap. 68.

Be it enacted, etc., as follows :

SECTION 1. The name of the Shattuck Street Universalist Society of Lowell is hereby changed to Grace Universalist Society.

Name changed.

SECTION 2. All gifts, grants, bequests and devises heretofore or hereafter made to said corporation under either of said names shall vest in said Grace Universalist Society.

Gifts, bequests, etc.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1895.

Chap. 69. AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FIRE DISTRICT
IN THE TOWN OF NORTON.

Be it enacted, etc., as follows:

Fire district
may be estab-
lished in town
of Norton.

SECTION 1. A fire district may be established in the town of Norton, to include all the territory within the following limits, to wit:—Beginning at the northerly side of the dam of the Norton reservoir, thence easterly and southerly by easterly side of the Rumford river to the road near the residence of Loren B. Willis; thence southerly in a straight line to the point where Goose Branch brook intersects the northerly line of the location of the Attleborough and Taunton branch of the Old Colony Railroad Company; thence by said line of location of said railroad westerly to the line between the towns of Norton and Attleborough; thence northerly by said town line to a point two thousand feet northerly of the road passing by the residence of George Wetherell; thence easterly to a point on the easterly side of the road leading by the residence of Albert Skinner one hundred feet southerly of said Skinner's house; thence easterly to a point on the easterly side of the road leading by the residence of William J. Tiffany two hundred feet southerly of said Tiffany's house; thence in a straight line to the point of beginning.

Petition to
state limits of
proposed dis-
trict, number of
voters, etc.

SECTION 2. Before the district is constituted and organized a petition shall be presented to said town at a legal meeting, stating the limits of the proposed district, the number of inhabitants, the number of voters, and the amount of taxable property in said proposed district, as near as the same can be ascertained from the records and statistics of the town. If at said meeting the town shall vote in favor of constituting and organizing said district the inhabitants of said district may proceed to constitute and organize the same in accordance with the provisions of the laws relating to fire districts, and the provisions of this act. If at said meeting the town shall not vote in favor of constituting and organizing said district said town may vote in favor of constituting and organizing the same at any legal meeting called for that purpose, and in the manner herein provided, within three years from the passage of this act; the number of said meetings called for that purpose in any one year not to exceed two.

Commissioners
of hydrants,
etc., to be
elected.

SECTION 3. The legal voters of the said fire district of the town of Norton shall, within one year from the organ-

izing of said district, at a meeting called for the purpose, choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, water tanks for fire purposes, sidewalks, common sewers, main drains, lamps, and street sprinkling, all of whom shall be legal inhabitants and voters in said district. Said commissioners shall serve until the next annual meeting of said district and until others are chosen and qualified in their stead; and said district shall thereafter, at the regular annual meeting of said district, choose by ballot three such commissioners, who shall serve during the ensuing year and until others are chosen and qualified in their stead. Said district shall have authority to fill any vacancy in said board at any district meeting regularly called for that purpose. Said commissioners shall be sworn and shall receive no compensation.

Commissioners
of hydrants, etc.,
to be elected.

Vacancies.

SECTION 4. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and said board shall expend the same for the purposes prescribed by vote of the district. Every member of said board shall be accountable to said district for any money received by him, and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation or for any purpose not specified by the vote of the district appropriating the same. But said district shall not during any year raise by taxation any amount of money exceeding one tenth of one per centum of the taxable property in said district.

Board to expend
money raised
by district, etc.

SECTION 5. The clerk of the district shall, on or before the first day of May of each year, certify to the assessors of the town of Norton all sums voted to be raised by the district during the year last preceding, under the provisions of this act; which sums shall be assessed and collected by the officers of the town in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board. The clerk of said district shall act as clerk of said board and shall enter all its proceedings in the records of said district.

Clerk of district
to certify to
assessors of the
town sums voted
to be raised.

SECTION 6. It shall be the duty of said board, under the supervision and direction of said district, to construct,

Construction,
etc., of main
drains, common
sewers, etc.

reconstruct, erect, repair, maintain and have charge of all main drains constructed by it, and of all common sewers, sidewalks, lamp posts, street lamps and street hydrants in said fire district, and to have charge of the sprinkling of the streets therein, and of all matters pertaining thereto as herein provided; and to construct such cross walks as may be ordered by said district, and to keep maps and plans of all such main drains and common sewers.

To determine
grade, material,
etc., of side-
walks.

SECTION 7. Said board shall have authority to determine the grade, width and material, including curbstones, of all sidewalks on the public streets and highways of said district, and to construct, reconstruct and repair such sidewalks, in accordance with such determination. Upon the completion of any sidewalk by said board, or the completion of the reconstruction or repair of any sidewalk, or within one year thereafter, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess a portion not exceeding one half the amount of the same upon all the lands which abut on such sidewalk so made, reconstructed or repaired.

Removal of
obstructions
from sidewalks.

SECTION 8. Said board shall have power to determine when, in what manner and to what extent snow, ice, grass, herbage, trees and other obstructions shall be removed from the sidewalks in said district, or from any of the same or any portion thereof; and to establish by-laws and penalties regulating the same, subject to the approval of said fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse matter on the streets and sidewalks within the limits of said district.

Penalty for
obstructing or
digging up side-
walks without
consent.

SECTION 9. No sidewalk graded, constructed, reconstructed or repaired in said district, under the provisions of this act, shall be dug up or obstructed in any part thereof without the consent of said board; and whoever rides or drives or leads any neat cattle, or uses any vehicle moved by hand, other than those used for the carriage of children, invalids or persons disabled, upon or along any sidewalk in said district, except to cross the same, or digs up or otherwise obstructs the same without such consent, shall forfeit a sum not less than one nor more than five dollars for each violation of the provisions of this section.

May order the
construction of
cross walks.

SECTION 10. Said fire district, at meetings called for that purpose, may order said board to construct cross

walks in any of the streets in said district in which they have authority to construct sidewalks. Said board shall construct all such cross walks at the expense of said district, and shall repair and reconstruct the same when ordered by said district, and at its expense.

SECTION 11. Said board shall lay, make, reconstruct and maintain in said district all such main drains and common sewers as said district, at a legal meeting called for that purpose, shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary; and for said purposes may take, in the manner hereinafter provided, any land, property or right which in their opinion may be necessary therefor.

Laying, etc., of main drains and common sewers.

SECTION 12. Main drains and common sewers may be constructed in said district by said district, which shall be the property of said district and shall be under the charge and control of said board, who shall have the power and authority to regulate the use of the same and to prescribe the mode in which the same shall be entered by private drains, and the terms and conditions of such entry. And no person shall be allowed to enter or discharge into a main drain or common sewer of said district any private drain, except by leave of said board and on such terms and conditions as said board shall prescribe; and all such private drains entering any such main drain or common sewer shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as though the same were constructed by said board under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district constructed by it, and to the compensation, terms and conditions to be made for such use, whether the same have been heretofore or shall hereafter be constructed.

Main drains and common sewers to be property of district, etc.

SECTION 13. All assessments made by said board, as provided for in this act, shall constitute a lien on the real estate assessed, for two years from the time of assessment and for one year after the final determination of any suit or proceedings in which the amount or validity of such assessments shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person then

Assessments to constitute a lien upon real estate.

Levy to be made in case of non-payment of assessment.

Money collected to be paid over to treasurer of district.

Assessment invalid by error may be reassessed.

Person aggrieved may have a trial by jury.

authorized by law to collect taxes in said town. Said collector shall forthwith publish the same by posting true and attested copies thereof in three public places in said district; and shall, within thirty days from said publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months from the publication of said list he shall levy the same, with incidental costs and expenses, by sale of the land, such sale to be conducted in a manner similar to the sale of land for non-payment of town taxes; and in making such sales, and any sales for taxes assessed for said district, such collector and said district and its officers shall have all the powers and privileges conferred by general law upon collectors of taxes, and upon cities and towns and their officers, relating to the sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district, in the same manner as moneys received by him from taxes assessed for said district by the assessors of Norton.

SECTION 14. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be reassessed by the aforesaid board of commissioners for the time being, to the just amount to which, and upon the estate upon which, such assessment ought at first to have been assessed; and the assessment then reassessed shall be payable and shall be collected and enforced in the same manner as other assessments.

SECTION 15. Any person aggrieved by an assessment made by said board may, at any time within three months from the publication of the list of such assessment, as provided in section thirteen, apply by petition to the superior court for the county of Bristol, and after due notice to the said fire district a trial shall be had at the bar of said court, in the same manner in which other civil causes are there tried by jury; and if either party requests it the jury shall view the place in question. Before filing said petition the petitioner shall give one month's notice in writing to said board of his intention so to apply, and shall therein particularly specify his objection to the assessments; and to such specification he shall be confined in the trial by

the jury. If the jury shall not reduce the amount of the assessment complained of the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed and be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment the petitioner shall recover costs.

SECTION 16. Whenever land is taken by virtue of the provisions of section eleven the said board shall, within sixty days after any such taking, file in the registry of deeds for the northern district of the county of Bristol a description of any land so taken, sufficiently accurate for identification, and a statement of the purpose for which it is taken; and the right to use all land so taken for the purposes mentioned in said statement shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district; and any person aggrieved by the taking of his land under this act, who fails to agree with said board as to the amount of damages, may, upon a petition filed with the county commissioners of the county of Bristol within one year from the filing of the description thereof in said registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners the party who applied for the jury shall pay costs to the other party.

Description of land, etc., to be recorded.

Damages.

SECTION 17. Penalties incurred under the provisions of this act, and under any by-laws established in pursuance thereof, may be recovered by an action of tort brought by direction of said board in the name of and for the use of said district, or on complaint or indictment to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained unless brought within thirty days after the right of action accrues or the offence is committed. No inhabitant of the district shall be disqualified, by reason of his being such inhabitant, to act as judge, magistrate, juror or officer, in a suit brought for such penalty.

Recovery of penalties.

Proviso.

Provisions of
general laws to
apply.

SECTION 18. The provisions of all general laws of the Commonwealth, applicable to fire districts and not inconsistent with this act, shall apply to the fire district of the town of Norton organized as herein provided. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways or any authority of the town or its agents which can be legally exercised over highways or roads. But the town of Norton shall repair any injury done to sidewalks in said district by the officers of said town by reason of any raising, lowering or other act done for the purpose of repairing a highway or town way; and whenever any cross walks shall be torn up or injured by the officers of the town of Norton in making, repairing, altering, raising or lowering any highway or town way, said town shall relay and repair such cross walk and place the same in as good condition as it was in before it was torn up or injured. The authority of the town of Norton to construct sidewalks, main drains and common sewers within the limits of said district shall be suspended while this act is in force; but this act shall in no wise affect the liability of the town for any damages caused within the limits of its highways.

Authority of
Norton to
construct side-
walks, etc.,
suspended.

Damages and
costs.

SECTION 19. When a party upon the trial of an action recovers damages of said town for an injury caused to his person or property by a defect in any sidewalk in said fire district, if the fire district has had reasonable notice to defend the action, the said town may recover of the fire district, in addition to the damages, all costs of both plaintiff and defendant in the action.

SECTION 20. This act shall take effect upon its passage.

Approved February 23, 1895.

Chap. 70. AN ACT TO AUTHORIZE THE DISCONTINUANCE OF THE FIRST CONGREGATIONAL PARISH IN NORWOOD AND A CONVEYANCE OF ITS PROPERTY TO THE FIRST CONGREGATIONAL CHURCH IN NORWOOD.

Be it enacted, etc., as follows:

May convey to
First Congrega-
tional Church in
Norwood prop-
erty, rights, etc.

SECTION 1. The First Congregational Parish in Norwood is hereby authorized to convey to the First Congregational Church in Norwood all the property, rights, privileges and franchises of said parish by deed of conveyance to be authorized by a vote of said parish at a meeting called for the purpose, and also accepted by said church in writing under authority of a vote of said church at a meeting called for the purpose, and acknowledged and

recorded in the registry of deeds for the county of Norfolk. Upon due execution and record of such conveyance said First Congregational Parish in Norwood shall be thereby dissolved and discontinued as a separate corporation, and all the rights, powers, privileges and property of said First Congregational Parish in Norwood shall be vested in said First Congregational Church in Norwood, subject to the same uses and trusts as when held by said parish; and said church shall thereby assume all the liabilities and obligations of said parish.

SECTION 2. Any person claiming to be aggrieved by the provisions of this act may at any time within six months after such conveyance is duly recorded apply by petition to the superior court for the county of Norfolk, and his damages, if any, shall be assessed and determined by and under the direction of said court, and shall be paid by said First Congregational Church in Norwood.

Persons aggrieved may have damages assessed, etc.

Approved February 25, 1895.

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO ESTABLISH FIRE LIMITS AND TO ENACT ORDINANCES RELATIVE TO SUCH LIMITS AND THE BUILDING LAWS OF SAID CITY.

Chap. 71.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge may from time to time, by ordinances not repugnant to law, establish limits in any districts of said city, within which limits every building which may be built, altered or used after the establishment thereof shall be built or altered of the height and materials and shall be used as may be defined in said ordinances, excepting however such buildings and structures as are owned by the United States or the Commonwealth, and excepting also, bridges, quays and wharves.

City of Cambridge may establish fire limits.

SECTION 2. Such limits shall be called a fire limit, and may be changed from time to time as the city council may deem necessary.

Fire limits may be changed.

SECTION 3. Within such fire limit the city of Cambridge may by ordinance also prescribe the means of ingress and egress which shall be provided and maintained in all buildings built and that may hereafter be built, and the kind and extent of all safety appliances and precautions against fire which shall be placed and maintained thereon.

Means of egress, etc., in buildings.

SECTION 4. Within such fire limits said city may also prescribe the distances at which certain buildings of certain classes and heights, to be designated in said ordi-

Construction of certain buildings.

nances, shall be built from other buildings of similar or other classes and heights.

May embody certain provisions of law in its ordinances.

SECTION 5. Said city may embody in its ordinances, so far as may be deemed applicable, the provisions of law now and that may hereafter be in force relative to the city of Boston.

Penalties.

SECTION 6. Except in cases in which other provisions are made by statutes said city may prescribe penalties not exceeding one hundred dollars for each violation of such ordinances.

When to take effect.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Cambridge.

Approved February 25, 1895.

Chap. 72. AN ACT MAKING APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT RELATING TO THE EMPLOYMENT OF LABOR IN THE PRISONS OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of carrying out the provisions of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven, relating to the employment of prisoners in the various prisons of the Commonwealth during the year eighteen hundred and ninety-five, to wit : —

State prison.

For maintaining industries at the state prison at Boston, a sum not exceeding one hundred and sixty thousand dollars.

Massachusetts reformatory.

For maintaining industries at the Massachusetts reformatory at Concord, a sum not exceeding fifty thousand dollars.

Reformatory prison for women.

For maintaining industries at the reformatory prison for women, at Sherborn, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1895.

Chap. 73. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM AT BRIDGEWATER.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Common-

wealth from the ordinary revenue, for the payment of salaries and expenses at the state farm at Bridgewater during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit:—

For the payment of salaries, wages and labor at the state State farm. farm at Bridgewater, a sum not exceeding twenty-nine thousand dollars; and for other current expenses at said institution, a sum not exceeding seventy-eight thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1895.

AN ACT TO AUTHORIZE THE TOWN OF DEDHAM TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR PARK PURPOSES. *Chap. 74.*

Be it enacted, etc., as follows:

SECTION 1. The town of Dedham, for the purpose of providing a park system in said town, may incur indebtedness beyond the limit of indebtedness now or hereafter fixed by law for said town, to an amount not exceeding one hundred thousand dollars, and may from time to time issue bonds or certificates of indebtedness therefor, which shall become due and payable within a period not exceeding fifty years from the date of issue, at a rate of interest not exceeding four per centum per annum; and the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds or certificates of indebtedness and to the establishment of a sinking fund for the payment thereof at maturity.

May incur indebtedness beyond debt limit, etc.

SECTION 2. Said bonds or certificates of indebtedness shall be denominated Dedham Park Loan, and shall be signed by the treasurer and countersigned by a majority at least of the selectmen of said town.

Dedham Park Loan.

SECTION 3. The town shall on issuing any of said bonds or certificates of indebtedness establish a sinking fund, and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt so incurred at maturity. Any premium realized from the sale of said bonds or certificates of indebtedness shall be applied to the payment of the interest on said loan as it accrues.

Sinking fund, etc.

Money already
expended to be
reimbursed, etc.

SECTION 4. The town of Dedham may use the proceeds from the sale of any portion of the issue of bonds or certificates of indebtedness authorized by this act, for the purpose of reimbursing and covering back into the treasury of said town any sums of money already expended or appropriated by said town for park purposes.

When to take
effect.

SECTION 5. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose, but not exceeding three such meetings shall be held in any one year.

Approved February 26, 1895.

Chap. 75. AN ACT RELATIVE TO THE ALLOWANCE OF INTEREST ON ABATEMENTS OF TAXES MADE BY THE SUPERIOR COURT.

Be it enacted, etc., as follows :

Interest to be
allowed on
abatement of
taxes.

SECTION 1. In every judgment which shall hereafter be rendered for the amount of an abatement of taxes made under the provisions of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and ninety there shall be included all charges and also interest on the amount of the abatement made from the date of the payment of the tax.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1895.

Chap. 76. AN ACT TO INCORPORATE THE INDUSTRIAL HOUSE CHARITIES OF SPRINGFIELD.

Be it enacted, etc., as follows :

Industrial
House Charities
of Springfield
incorporated.

Mina C. Hall, Jane E. Law, Harriet N. Hosley, Elizabeth O. Bailey, Mary E. Heywood, Martha M. Mills, Emma C. Bugbee, Emma M. Downing, Edna D. Tobey and Sarah P. Stone, their associates and successors, are hereby made a corporation by the name of The Industrial House Charities of Springfield, for the purpose of aiding the poor of the city of Springfield; and after said corporation has been duly organized pursuant to notice given to the persons aforesaid by one of their number, in accordance with section four of chapter one hundred and fifteen of the Public Statutes, and by the adoption of by-laws and the election of officers in accordance with said chapter, and said by-laws have been approved by the commissioner of

corporations, The Union Relief Association of the City of Springfield is hereby authorized to transfer to said corporation the real estate on Bliss street in Springfield known as the Industrial House, and such funds as the said Union Relief Association of the City of Springfield may hold in trust for the charities connected with said Industrial House.

Approved February 26, 1895.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH GRANTING LICENSES TO DRUGGISTS AND APOTHECARIES TO SELL INTOXICATING LIQUORS.

Chap. 77.

Be it enacted, etc., as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of all necessary expenses in connection with carrying out the law relating to granting licenses to druggists and apothecaries to sell intoxicating liquors, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five.

Licenses to druggists and apothecaries to sell intoxicating liquors.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1895.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS, AT WESTBOROUGH.

Chap. 78.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the Lyman school for boys, at Westborough, for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

Appropriations.

For the payment of salaries, wages and labor at the Lyman school for boys, at Westborough, a sum not exceeding twenty-five thousand dollars; and for other current expenses at said institution, a sum not exceeding thirty-six thousand one hundred and sixty dollars.

Lyman school for boys.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1895.

Chap. 79. AN ACT TO AUTHORIZE THE SOCIETY OF OBLATE FATHERS FOR MISSIONS AMONG THE POOR TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Society of Oblate Fathers for Missions among the Poor is hereby authorized to hold real and personal estate for religious, charitable and educational purposes, to an amount not exceeding three hundred and fifty thousand dollars in addition to the amount now authorized by law.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1895.

Chap. 80. AN ACT TO AUTHORIZE THE WOMAN'S FOREIGN MISSIONARY SOCIETY OF THE YEARLY MEETING OF FRIENDS FOR NEW ENGLAND TO HOLD ITS MEETINGS WITHOUT THE COMMONWEALTH.

Be it enacted, etc., as follows:

May hold its meetings without the Commonwealth.

SECTION 1. The Woman's Foreign Missionary Society of the Yearly Meeting of Friends for New England may hold its meetings in any state or territory of the United States and in the District of Columbia.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1895.

Chap. 81. AN ACT TO AUTHORIZE THE EMPLOYMENT OF AN ACTUARY IN THE INSURANCE DEPARTMENT.

Be it enacted, etc., as follows:

1894, 522, § 5, amended.

SECTION 1. Section five of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting in the eleventh line, after the word "department", the words:—an actuary with an annual salary of two thousand dollars,—so as to read as follows:—*Section 5.* The commissioner shall exercise the powers and perform the duties conferred and imposed upon him by this act or by any other law of the Commonwealth. He may with the approval of the governor and council appoint, and with their consent remove, a deputy commissioner to assist him in his duties, who shall receive an annual salary of twenty-five hundred dollars. In the event of a vacancy in the office of commissioner or during the absence or disability of that officer

Powers and duties of commissioner.

Deputy.

the deputy commissioner shall perform the duties of the office. The commissioner may employ in his department an actuary with an annual salary of two thousand dollars, a chief clerk with an annual salary of two thousand dollars, a second clerk with an annual salary of fifteen hundred dollars, a third clerk with an annual salary of twelve hundred dollars, and such additional clerks and assistants as the public business in his charge may require, at an expense not to exceed such sum as the general court may appropriate each year.

Actuary, clerks and assistants.

SECTION 2. This act shall take effect on the first day of January in the year eighteen hundred and ninety-five.

To take effect Jan. 1, 1895.

Approved February 28, 1895.

AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE FIRE DISTRICT AND INHABITANTS OF THE TOWN OF NORTON.

Chap. 82.

Be it enacted, etc., as follows:

SECTION 1. Upon the establishment and organization of a fire district in the town of Norton under the provisions of the act of the present year, entitled, "An act to authorize the establishment of a fire district in the town of Norton", said fire district may supply itself and the inhabitants of said town with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid for the use of the same. Said fire district and the town of Attleborough are hereby authorized to receive from each other or supply each other with water for domestic, manufacturing, fire and other purposes, on such terms and conditions as they may mutually agree upon. Said fire district and the Mansfield Water Supply District are hereby authorized to receive from each other or supply each other with water for domestic, manufacturing, fire and other purposes, on such terms and conditions as they may mutually agree upon.

Water supply for town of Norton.

SECTION 2. The said fire district, for the purposes aforesaid, may take by purchase or otherwise, and hold the waters of any ponds, springs, streams, artesian or driven wells or filter galleries within the limits of said town of Norton, and the water rights and water sources connected therewith; also the waters of Wading river and the tributaries thereof, or of any springs, wells or other

May take waters of certain ponds, etc.

ground water sources on the watershed of said river and its tributaries : *provided*, nevertheless, that before said fire district enters upon the actual work of construction of a system of water works the water commissioners thereof shall submit to the state board of health their plans for obtaining a supply of water from any of the above-named sources and obtain from the state board of health written approval of the same. The said fire district may also take and hold by purchase or otherwise all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Norton ; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said fire district may dig up any such lands, and, under the direction of the board of selectmen of the town in which such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

SECTION 3. Said fire district shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the registry district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

SECTION 4. Said fire district shall be liable to pay all damages to property sustained by any person or corporation by the taking of any lands, water or water rights by said fire district, or by the laying or maintaining of any aqueducts or other works for the purposes aforesaid. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said fire district upon

the amount of such damages, may have them assessed in the manner provided by law with respect to land taken. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid at any time within three years from the time the water is actually withdrawn or diverted, and not thereafter.

SECTION 5. The said fire district may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Norton Fire District Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the fire district and countersigned by the water commissioners of said fire district. The said fire district may sell such securities at public or private sale at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Norton Fire
District Water
Loan.

SECTION 6. Said fire district shall establish a sinking fund and shall annually, after five years from the acceptance of this act by said fire district, contribute to such fund a sum sufficient with the accumulations to pay the principal of said loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose: *provided*, that the said town or fire district may, instead of establishing said sinking fund, pay the principal of said loan by annual instalments not exceeding the sum of two thousand dollars in one year. The said fire district shall assess and collect upon the estates, real and personal, in said fire district, by taxation, a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund or payments on the principal as may be required under this act.

Sinking fund.

Proviso.

SECTION 7. The town of Norton may, upon a two thirds vote of the legal voters present and voting thereon at a legal town meeting called for the purpose, guarantee

Town of Norton
may guarantee
payment of
bonds.

the payment of said bonds, notes or scrip, provided such meeting is held within one year from the acceptance of this act by said fire district.

Penalty for
corruption of
water, etc.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or destroys or injures any dam, conduit, hydrant, machinery or other works or property held, owned or used by said fire district under the authority of and for the purposes of this act, shall forfeit and pay to the said fire district three times the amount of damage assessed therefor, to be recovered in an action of tort; and on conviction of any of the acts aforesaid may be punished by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or both such fine and imprisonment.

Water
commissioners,
election, term,
etc.

SECTION 9. At the meeting of said fire district called for the acceptance of this act, or at any legal meeting called for the purpose, three persons shall be elected by ballot who shall exercise all the rights, powers and privileges herein granted, subject however to instructions and directions of the fire district, and who shall constitute a board of water commissioners; one of said three persons shall be elected for the term of three years from the next succeeding annual meeting of said fire district, one for a term of two years and one for a term of one year, after which first election one member of said board, as the term of each incumbent expires, shall be elected at the annual fire district meeting to serve for the term of three years. Said board of commissioners shall be trustees of the sinking fund herein provided for, and shall have charge of the water works and may fix the price of rent for the use of water and may exercise all the rights, powers and authority granted to said fire district by this act relative to such duties, subject however to such instructions, rules and regulations as said district may impose by its vote. A majority of said board of commissioners shall constitute a quorum for the transaction of business relative to said water works and sinking fund.

To be trustees
of sinking fund.

Vacancy.

Any vacancy occurring in said board of commissioners from any cause may be filled by said fire district at any legal fire district meeting, for the unexpired term.

Subject to
acceptance by a
two thirds vote.

SECTION 10. This act shall take effect upon its passage, but no expenditure shall be made or liability incurred under the same except for preliminary surveys and esti-

mates, unless this act shall first be accepted by a vote of two thirds of the legal voters of said fire district present and voting thereon at a legal meeting called for that purpose within three years from the establishment and organization of said fire district in said town; and the number of said meetings called for that purpose in any one year shall not exceed two.

Approved February 28, 1895.

AN ACT TO CHANGE THE NAME OF THE THIRD RELIGIOUS SOCIETY
IN LONGMEADOW.

Chap. 83.

Be it enacted, etc., as follows:

SECTION 1. The name of the Third Religious Society in Longmeadow is hereby changed to the First Congregational Society in East Longmeadow.

Name changed.

SECTION 2. All gifts, grants, bequests and devises heretofore or hereafter made to said corporation by either of said names shall vest in the First Congregational Society in East Longmeadow.

Gifts, bequests, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1895.

AN ACT TO INCORPORATE THE NEW ENGLAND BRANCH OF THE
WOMAN'S FOREIGN MISSIONARY SOCIETY OF THE METHODIST
EPISCOPAL CHURCH.

Chap. 84.

Be it enacted, etc., as follows:

SECTION 1. Lucy A. Alderman, Lucia A. Parkhurst, Pauline J. Walden, Louise M. Hodgkins, Clara M. Cushman, Mary E. Holt, Lucy P. Nichols, their associates and successors, are hereby made a corporation by the name of the New England Branch of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, for the purpose of engaging and uniting the efforts of christian women in sending women as missionaries to the women in foreign mission fields of the Methodist Episcopal church, and in supporting them and native christian teachers and bible readers in those fields; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to corporations organized under the provisions of chapter one hundred and fifteen of the Public Statutes and acts in amendment thereof or in addition thereto, so far as the same may be applicable.

New England Branch of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, incorporated.

May hold real
and personal
estate.

SECTION 2. Said corporation shall have power to hold real and personal estate for the purposes aforesaid to an amount not exceeding two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1895.

Chap. 85. AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows :

May incur
indebtedness
beyond debt
limit, etc.

SECTION 1. The city of Fitchburg, for the purpose of completing its new high school building and laying out the grounds connected therewith, may incur indebtedness to the amount of fifty thousand dollars, by the issuing of its bonds, notes or scrip, payable in thirty years from the date of their issue, and bearing interest payable semi-annually at a rate not exceeding four per cent. per annum.

Not to be
considered in
determining
debt limit.

SECTION 2. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the city of Fitchburg under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof.

P. S. 29 and
1884, 129 to
apply, etc.

SECTION 3. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

SECTION 4. This act shall take effect upon its passage.

Approved March 2, 1895.

Chap. 86. AN ACT TO AUTHORIZE THE TOWN OF RUSSELL TO MAKE BY-LAWS AND REGULATIONS FOR THE USE OF ITS HIGHWAYS.

Be it enacted, etc., as follows :

May make
by-laws regu-
lating use of
highways, etc.

SECTION 1. The town of Russell may from time to time establish reasonable by-laws, subject to the approval of the superior court or any justice thereof, as now provided by law, to regulate the use of and prevent injury to the highways, town ways, causeways and bridges within its limits which said town is required by law to keep in repair, and may annex penalties not exceeding twenty dollars for each violation of any by-law so established.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1895.

AN ACT TO AUTHORIZE THE TOWN OF BLANDFORD TO MAKE BY-LAWS AND REGULATIONS FOR THE USE OF ITS HIGHWAYS. *Chap. 87.*

Be it enacted, etc., as follows :

SECTION 1. The town of Blandford may from time to time establish reasonable by-laws, subject to the approval of the superior court or any justice thereof, as now provided by law, to regulate the use of and prevent injury to the highways, town ways, causeways and bridges within its limits which said town is required by law to keep in repair, and may annex penalties not exceeding twenty dollars for each violation of any by-law so established.

May make by-laws regulating use of highways, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1895.

AN ACT TO REMOVE THE RESTRICTIONS UPON SHAD AND ALEWIFE FISHING IN THE MERRIMAC RIVER. *Chap. 88.*

Be it enacted, etc., as follows :

SECTION 1. All provisions of law relative to the taking of shad or alewives in the Merrimac river, so far as they relate to the taking of fish in any part of said river where the tide ebbs and flows, or the selling of fish taken in that part of said river, are hereby repealed : *provided, however,* that whoever uses in that part of said river a gill-net of any description, or a sweep seine having a mesh which stretches less than two and a quarter inches, shall forfeit twenty-five dollars for each offence and in addition shall forfeit the fish taken and the apparatus used.

Fishing in Merrimac river.

Proviso.

SECTION 2. It shall be unlawful to take shad in the Merrimac river in any manner between the first day of July in any year and the first day of April in the succeeding year.

Taking of shad restricted.

SECTION 3. This act shall take effect upon its passage.

[This bill, returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House February 21, and, in concurrence, by the Senate February 28, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution ; and thereby has the "force of a law."]

AN ACT TO PROVIDE FOR THE RECOUNTING OF VOTES UPON THE QUESTION OF GRANTING LICENSES FOR THE SALE OF INTOXICATING LIQUORS, IN TOWNS VOTING BY PRECINCTS. *Chap. 89.*

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter one hundred and thirty-two of the acts of the year eighteen hundred and

1894, 132, § 2, amended.

Canvass of
returns in
towns voting
by precincts.

Recounting of
votes, etc.

ninety-four is hereby amended by inserting in the twelfth line, after the word "officers", the words:—or for the recounting of votes cast upon the question of granting licenses for the sale of intoxicating liquors,—so as to read as follows:—*Section 2.* The town clerk, upon receipt of the returns from the several precincts, shall forthwith, in conjunction with the board of registrars of voters, canvass the same and shall immediately declare the result and shall notify the persons chosen as town officers in the manner provided in section two hundred and seventy-eight of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three; and said chapter four hundred and seventeen is hereby made applicable to elections held under this act, in so far as the same is not inconsistent therewith. Petitions for the recounting of votes cast for any officer or officers, or for the recounting of votes cast upon the question of granting licenses for the sale of intoxicating liquors, shall be made to the board of registrars of voters, who shall conduct the recount in conformity with the provisions and requirements of the laws relating thereto and shall have all the powers and duties of a moderator in like cases. Nothing in this act shall be construed as authorizing precinct voting in special elections of town officers to fill a vacancy or otherwise.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1895.

Chap. 90. AN ACT TO ESTABLISH THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Basis of appor-
tionment of
state and county
taxes.

SECTION 1. The number of polls, the amount of property, and the proportion of every one thousand dollars of state tax, including polls at one tenth of a mill each, for each city and town in the several counties of the Commonwealth, as contained in the schedule hereunto annexed, are hereby established, and shall constitute a basis of apportionment for state and county taxes until another is made and enacted by the legislature, to wit:—

*Polls, Property and Apportionment of State and County Tax
of \$1,000.*

BARNSTABLE COUNTY.

Barnstable
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a milleach.
Barnstable,	1,055	\$4,095,312 00	\$1 54
Bourne,	469	1,775,794 00	67
Brewster,	262	626,264 00	25
Chatham,	555	921,746 00	38
Dennis,	774	1,680,954 00	67
Eastham,	161	294,314 00	12
Falmouth,	812	6,735,740 00	2 45
Harwich,	723	1,204,051 00	50
Mashpee,	87	182,817 00	07
Orleans,	348	703,466 00	28
Provincetown,	1,400	2,202,299 00	91
Sandwich,	418	985,988 00	39
Truro,	231	349,454 00	15
Wellfleet,	286	791,491 00	31
Yarmouth,	524	2,250,527 00	84
Total,	8,105	\$24,800,217 00	\$9 53

BERKSHIRE COUNTY.

Berkshire
county.

Adams,	1,757	\$3,893,705 00	\$1 54
Alford,	90	222,393 00	09
Becket,	294	454,897 00	19
Cheshire,	323	763,530 00	30
Clarksburg,	244	222,584 00	10
Dalton,	753	3,120,474 00	1 17
Egremont,	245	456,925 00	19
Florida,	115	167,600 00	07
Great Barrington,	1,399	3,785,610 00	1 47
Hancock,	117	364,811 00	14
Hinsdale,	455	742,785 00	31
Lanesborough,	258	512,552 00	21
Lee,	1,000	1,814,415 00	74
Lenox,	607	3,202,626 00	1 19
Monterey,	138	233,423 00	10
Mount Washington,	34	79,650 00	03
New Ashford,	44	67,538 00	03
New Marlborough,	369	561,006 00	23
North Adams,	5,062	7,472,769 00	3 13

Berkshire
county.

BERKSHIRE COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a milleach.
Otis,	147	\$212,446 00	\$0 09
Peru,	81	116,155 00	05
Pittsfield,	5,251	13,829,415 00	5 38
Richmond,	175	360,057 00	14
Sandisfield,	218	346,117 00	14
Savoy,	152	163,716 00	07
Sheffield,	486	891,364 00	36
Stockbridge,	514	3,373,341 00	1 24
Tyringham,	107	211,368 00	09
Washington,	123	197,176 00	08
West Stockbridge,	371	555,368 00	23
Williamstown,	1,029	2,586,645 00	1 01
Windsor,	152	192,529 00	08
Total,	22,110	\$51,174,990 00	\$20 19

Bristol county.

BRISTOL COUNTY.

Acushnet,	247	\$652,855 00	\$0 25
Attleborough,	2,273	4,590,443 00	1 84
Berkley,	265	440,047 00	18
Dartmouth,	795	2,843,669 00	1 08
Dighton,	479	829,301 00	34
Easton,	1,334	5,398,265 00	2 03
Fairhaven,	578	2,091,118 00	79
Fall River,	22,421	64,451,357 00	24 88
Freetown,	365	915,159 00	36
Mansfield,	872	1,820,489 00	73
New Bedford,	13,080	54,957,834 00	20 61
North Attleborough,	1,726	4,062,986 00	1 60
Norton,	405	832,711 00	33
Raynham,	400	914,394 00	36
Rehoboth,	450	732,066 00	30
Seekonk,	321	905,852 00	35
Somerset,	518	1,084,939 00	43
Swansey,	427	873,764 00	35
Taunton,	7,160	20,687,637 00	7 98
Westport,	683	1,597,622 00	63
Total,	54,799	\$170,682,508 00	\$65 42

COUNTY OF DUKES COUNTY.

Dukes county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Chilmark,	111	\$228,379 00	\$0 09
Cottage City,	262	1,532,797 00	56
Edgartown,	360	754,607 00	30
Gay Head,	37	23,561 00	01
Gosnold,	38	217,661 00	08
Tisbury,	309	854,537 00	33
West Tisbury,	159	407,668 00	16
Total,	1,276	\$4,019,210 00	\$1 53

ESSEX COUNTY.

Essex county.

Amesbury,	2,508	\$5,222,635 00	\$2 09
Andover,	1,311	5,214,481 00	1 96
Beverly,	3,363	15,528,835 00	5 79
Boxford,	202	665,823 00	25
Bradford,	1,259	2,758,323 00	1 10
Danvers,	2,041	4,553,926 00	1 80
Essex,	474	997,068 00	40
Georgetown,	616	1,040,850 00	43
Gloucester,	7,830	16,280,009 00	6 50
Groveland,	640	968,260 00	40
Hamilton,	278	1,142,320 00	43
Haverhill,	8,654	21,510,129 00	8 42
Ipswich,	1,135	3,039,091 00	1 18
Lawrence,	12,780	34,163,902 00	13 28
Lynn,	18,491	51,141,478 00	19 81
Lynnfield,	228	612,497 00	24
Manchester,	477	7,940,051 00	2 84
Marblehead,	2,386	5,891,218 00	2 31
Merrimac,	649	1,347,396 00	54
Methuen,	1,459	3,610,587 00	1 41
Middleton,	231	528,960 00	21
Nahant,	230	6,516,599 00	2 31
Newbury,	402	1,114,148 00	43
Newburyport,	3,830	11,678,434 00	4 49
North Andover,	1,037	3,560,455 00	1 35
Peabody,	3,068	8,039,864 00	3 13
Rockport,	1,245	2,662,805 00	1 06
Rowley,	396	673,943 00	28
Salem,	9,351	30,649,889 00	11 70
Salisbury,	376	642,066 00	26
Saugus,	1,250	2,989,300 00	1 18
Swampscott,	785	6,201,484 00	2 26

Essex county.

ESSEX COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a millicach.
Topsfield,	270	\$920,108 00	\$0 35
Wenham,	270	698,745 00	27
West Newbury,	535	974,912 00	40
Total,	90,057	\$261,480,591 00	\$100 86

Franklin
county.

FRANKLIN COUNTY.

Ashfield,	290	\$508,436 00	\$0 21
Bernardston,	224	419,256 00	17
Buckland,	477	533,343 00	24
Charlemont,	318	357,142 00	16
Colrain,	392	572,702 00	24
Conway,	369	716,878 00	29
Deerfield,	843	1,651,648 00	66
Erving,	288	385,074 00	16
Gill,	225	472,409 00	19
Greenfield,	1,825	5,552,156 00	2 13
Hawley,	169	147,522 00	07
Heath,	146	189,200 00	08
Leverett,	222	284,362 00	12
Leyden,	97	166,871 00	07
Monroe,	106	144,973 00	06
Montague,	1,709	3,680,027 00	1 46
New Salem,	211	295,864 00	13
Northfield,	492	968,396 00	39
Orange,	1,694	4,095,673 00	1 61
Rowe,	240	213,969 00	10
Shelburne,	421	942,142 00	37
Shutesbury,	133	165,457 00	07
Sunderland,	226	423,678 00	17
Warwick,	172	321,905 00	13
Wendell,	154	236,648 00	10
Whately,	264	478,232 00	19
Total,	11,707	\$23,923,963 00	\$9 57

Hampden
county.

HAMPDEN COUNTY.

Agawam,	628	\$1,356,958 00	\$0 54
Blandford,	223	452,922 00	18
Brimfield,	271	416,221 00	17

HAMPDEN COUNTY—CONCLUDED.

Hampden
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, Includ'g Polls at one tenth of a mill each.
Chester,	445	\$625,789 00	\$0 26
Chicopee,	3,855	8,344,496 00	3 32
East Longmeadow,	453	653,383 00	28
Granville,	255	351,664 00	15
Hampden,	200	406,592 00	16
Holland,	49	88,598 00	04
Holyoke,	9,982	28,128,968 00	10 88
Longmeadow,	141	665,492 00	25
Ludlow,	577	1,048,676 00	43
Monson,	983	2,000,377 00	80
Montgomery,	75	142,781 00	06
Palmer,	1,712	2,807,387 00	1 16
Russell,	217	514,558 00	20
Southwick,	267	539,604 00	22
Springfield,	14,623	62,662,605 00	23 47
Tolland,	80	139,253 00	06
Wales,	216	276,217 00	12
Westfield,	2,873	8,207,399 00	3 17
West Springfield,	1,540	4,256,951 00	1 65
Wilbraham,	381	852,112 00	34
Total,	40,046	\$124,939,003 00	\$47 91

HAMPSHIRE COUNTY.

Hampshire
county.

Amherst,	1,093	\$3,317,623 00	\$1 27
Belchertown,	575	859,606 00	36
Chesterfield,	184	295,206 00	12
Cummington,	195	306,388 00	13
Easthampton,	1,020	2,568,333 00	1 00
Enfield,	298	833,252 00	32
Goshen,	81	138,494 00	06
Granby,	218	467,108 00	19
Greenwich,	139	268,473 00	11
Hadley,	531	1,032,579 00	42
Hatfield,	447	1,057,109 00	42
Huntington,	344	518,720 00	22
Middlefield,	108	244,384 00	10
Northampton,	3,751	10,838,876 00	4 18
Pelham,	112	176,209 00	07
Plainfield,	141	169,065 00	07
Prescott,	126	166,114 00	07
Southampton,	281	500,035 00	20
South Hadley,	1,096	2,352,990 00	94

Hampshire
county.

HAMPSHIRE COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, Includ'g Polls at one tenth of a mill each.
Ware,	1,725	\$4,560,288 00	\$1 77
Westhampton,	129	255,805 00	10
Williamsburg,	513	936,398 00	33
Worthington,	199	302,171 00	13
Total,	13,306	\$32,165,226 00	\$12 63

Middlesex
county.

MIDDLESEX COUNTY.

Acton,	645	\$1,523,382 00	\$0 60
Arlington,	1,847	8,627,557 00	3 22
Ashby,	273	515,983 00	21
Ashland,	580	1,220,473 00	49
Ayer,	655	1,382,221 00	55
Bedford,	307	1,015,381 00	39
Belmont,	684	4,092,193 00	1 51
Billerica,	588	2,070,301 00	79
Boxborough,	97	239,607 00	09
Burlington,	173	522,284 00	20
Cambridge,	22,172	82,498,034 00	31 20
Carlisle,	141	346,868 00	14
Chelmsford,	884	2,104,617 00	83
Concord,	1,132	4,458,719 00	1 68
Draeut,	655	1,732,296 00	67
Dunstable,	127	311,549 00	12
Everett,	4,786	12,640,393 00	4 92
Framingham,	2,557	9,903,726 00	3 73
Groton,	553	3,166,983 00	1 17
Holliston,	915	1,716,820 00	69
Hopkinton,	1,011	2,110,120 00	84
Hudson,	1,580	2,938,818 00	1 19
Lexington,	1,032	4,349,474 00	1 63
Lincoln,	312	2,517,177 00	92
Littleton,	354	902,451 00	35
Lowell,	22,744	73,234,981 00	28 00
Malden,	8,204	25,808,566 00	9 89
Marlborough,	4,005	8,288,390 00	3 31
Maynard,	859	2,140,616 00	84
Medford,	3,756	16,663,470 00	6 23
Melrose,	3,126	10,296,245 00	3 93
Natick,	2,515	5,770,706 00	2 28
Newton,	7,763	49,969,044 00	18 33
North Reading,	242	534,374 00	21
Pepperell,	997	2,061,145 00	82

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Reading,	1,254	\$3,630,357 00	\$1 40
Sherborn,	259	871,823 00	33
Shirley,	336	763,930 00	30
Somerville,	14,061	45,137,689 00	17 26
Stoneham,	2,005	4,039,538 00	1 62
Stow,	281	671,325 00	26
Sudbury,	396	1,234,040 00	47
Tewksbury,	547	1,539,958 00	60
Townsend,	529	1,202,566 00	48
Tyngsborough,	177	416,495 00	16
Wakefield,	2,268	6,024,176 00	2 34
Waltham,	5,784	19,584,719 00	7 46
Watertown,	2,058	8,706,146 00	3 26
Wayland,	546	1,636,316 00	63
Westford,	639	1,371,118 00	55
Weston,	511	3,936,472 00	1 43
Wilmington,	375	925,839 00	36
Winchester,	1,585	6,919,509 00	2 59
Woburn,	3,994	9,918,199 00	3 88
Total,	135,876	\$466,205,179 00	\$177 35

NANTUCKET COUNTY.

Nantucket
county.

Nantucket,	857	\$3,188,568 00	\$1 21
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NORFOLK COUNTY.

Norfolk county.

Avon,	487	\$748,573 00	\$0 31
Bellingham,	373	686,967 00	28
Braintree,	1,380	4,687,624 00	1 78
Brookline,	4,163	66,550,308 00	23 79
Canton,	1,221	4,565,732 00	1 73
Cohasset,	644	5,293,371 00	1 92
Dedham,	1,909	6,953,834 00	2 63
Dover,	183	1,066,258 00	39
Foxborough,	822	1,700,489 00	68
Franklin,	1,287	3,061,907 00	1 20
Holbrook,	630	1,360,223 00	54
Hyde Park,	2,900	8,816,251 00	3 39

Norfolk county.

NORFOLK COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Medfield,	509	\$1,471,940 00	\$0 57
Medway,	814	1,268,381 00	53
Millis,	321	873,013 00	34
Milton,	1,370	21,942,949 00	7 85
Needham,	1,053	2,929,563 00	1 13
Norfolk,	256	529,472 00	21
Norwood,	1,239	3,155,985 00	1 23
Quincy,	5,920	17,487,205 00	6 73
Randolph,	1,149	2,361,035 00	94
Sharon,	437	1,727,971 00	65
Stoughton,	1,514	3,000,563 00	1 21
Walpole,	751	2,144,477 00	83
Wellesley,	820	7,343,634 00	2 66
Weymouth,	3,159	6,884,005 00	2 73
Wrentham,	727	1,521,705 00	61
Total,	36,038	\$180,133,435 00	\$66 86

Plymouth
county.

PLYMOUTH COUNTY.

Abington,	1,301	\$2,468,574 00	\$1 00
Bridgewater,	1,059	2,582,769 00	1 01
Brockton,	9,428	21,849,763 00	8 62
Carver,	244	876,839 00	33
Duxbury,	520	1,651,493 00	63
East Bridgewater,	888	1,635,341 00	66
Halifax,	155	271,080 00	11
Hanover,	576	1,472,292 00	58
Hanson,	393	640,890 00	26
Hingham,	1,195	4,823,319 00	1 81
Hull,	317	2,872,017 00	1 04
Kingston,	488	1,775,581 00	67
Lakeville,	248	575,441 00	23
Marion,	228	861,824 00	33
Marshfield,	507	1,386,437 00	54
Mattapoisett,	287	1,629,246 00	60
Middleborough,	2,009	4,278,576 00	1 70
Norwell,	479	1,103,898 00	44
Pembroke,	375	649,500 00	27
Plymouth,	2,307	6,857,403 00	2 64
Plympton,	166	311,776 00	13
Rochester,	231	559,007 00	22
Rockland,	1,670	3,062,888 00	1 24
Scituate,	654	2,144,117 00	82

PLYMOUTH COUNTY — CONCLUDED.

Plymouth
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Wareham,	672	\$2,192,462 00	\$0 84
West Bridgewater,	448	1,012,303 00	40
Whitman,	1,728	3,668,107 00	1 46
Total,	28,573	\$73,212,943 00	\$28 58

SUFFOLK COUNTY.

Suffolk county.

Boston,	139,789	\$983,026,213 00	\$359 28
Chelsea,	8,796	23,194,583 00	9 03
Revere,	1,977	6,907,342 00	2 62
Wintthrop,	919	4,678,758 00	1 74
Total,	151,481	\$1,017,806,896 00	\$372 67

WORCESTER COUNTY.

Worcester
county.

Ashburnham,	574	\$1,063,210 00	\$0 43
Athol,	1,952	3,752,054 00	1 51
Auburn,	380	555,570 00	23
Barre,	632	1,505,878 00	59
Berlin,	251	495,011 00	20
Blackstone,	1,626	2,622,505 00	1 08
Bolton,	251	480,574 00	19
Boylston,	209	518,472 00	20
Brookfield,	945	1,449,551 00	60
Charlton,	558	958,812 00	39
Clinton,	3,013	7,054,459 00	2 78
Dana,	194	298,486 00	12
Douglas,	524	1,055,890 00	42
Dudley,	720	1,074,024 00	45
Fitchburg,	7,453	20,427,431 00	7 92
Gardner,	2,970	4,925,271 00	2 03
Grafton,	1,259	2,453,759 00	99
Hardwick,	700	1,572,146 00	62
Harvard,	337	1,058,891 00	41
Holden,	624	1,197,773 00	48
Hopedale,	369	2,841,825 00	1 04
Hubbardston,	395	675,277 00	28

Worcester
county.

WORCESTER COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a millease.
Lancaster,	512	\$3,248,777 00	\$1 19
Leicester,	921	2,409,034 00	94
Leominster,	2,573	5,755,738 00	2 28
Lunenburg,	363	794,684 00	32
Mendon,	257	564,103 00	22
Milford,	2,742	5,500,241 00	2 21
Millbury,	1,250	2,367,223 00	96
New Braintree,	182	437,824 00	17
Northborough,	497	1,318,040 00	51
Northbridge,	1,357	3,733,740 00	1 45
North Brookfield,	1,247	1,919,334 00	80
Oakham,	193	334,308 00	14
Oxford,	656	1,324,882 00	53
Paxton,	130	281,865 00	11
Petersham,	267	655,076 00	26
Phillipston,	142	311,747 00	12
Princeton,	301	858,640 00	33
Royalston,	289	627,124 00	25
Rutland,	289	516,044 00	21
Shrewsbury,	393	1,031,844 00	40
Southborough,	613	1,684,270 00	65
Southbridge,	1,547	4,185,282 00	1 63
Spencer,	1,942	4,202,356 00	1 67
Sterling,	399	876,941 00	35
Sturbridge,	487	964,159 00	39
Sutton,	766	1,324,877 00	54
Templeton,	894	1,351,273 00	56
Upton,	534	1,031,785 00	42
Uxbridge,	1,005	2,295,283 00	91
Warren,	1,214	2,853,839 00	1 12
Webster,	1,936	3,845,985 00	1 54
Westborough,	1,291	2,813,974 00	1 12
West Boylston,	801	1,327,626 00	55
West Brookfield,	415	845,405 00	34
Westminster,	421	760,429 00	31
Winchendon,	1,330	2,303,508 00	94
Worcester,	27,414	95,507,651 00	36 29
Total,	83,509	\$220,201,780 00	\$85 69

RECAPITULATION.

Recapitulation
by counties.

COUNTIES.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Barnstable,	8,105	\$24,800,217 00	\$9 53
Berkshire,	22,110	51,174,990 00	20 19
Bristol,	54,799	170,682,508 00	65 42
Dukes,	1,276	4,019,210 00	1 53
Essex,	90,057	261,480,591 00	100 86
Franklin,	11,707	23,923,963 00	9 57
Hampden,	40,046	124,939,003 00	47 91
Hampshire,	13,306	32,165,226 00	12 63
Middlesex,	135,876	466,205,179 00	177 35
Nantucket,	857	3,188,568 00	1 21
Norfolk,	36,038	180,133,435 00	66 86
Plymouth,	28,573	73,212,943 00	28 58
Suffolk,	151,481	1,017,806,896 00	372 67
Worcester,	83,509	220,201,780 00	85 69
Total,	677,740	\$2,653,934,509 00	\$1,000 00

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1895.

AN ACT TO INCORPORATE THE NANTUCKET CENTRAL RAILROAD
COMPANY.

Chap. 91.

Be it enacted, etc., as follows:

SECTION 1. Byron B. Johnson, Henry S. Milton, Nathan Warren, Delmont L. Weeks, Melvin M. Johnson, William Colvard Parker, George R. Taber, I. James Stevens, Benj. W. Gilbert, their associates and successors, are hereby made a corporation by the name of the Nantucket Central Railroad Company, with the power to acquire, hold, use, maintain and operate the railroads and other property, rights and franchises, or any of them, now belonging to or that have been acquired by the Nantucket Railroad Company, and with all the powers, rights, immunities and franchises which have been granted to or held by said last named company, or which are connected therewith; and with all the powers given by general laws to railroad corporations in this Commonwealth.

Nantucket
Central Rail-
road Company
incorporated.

SECTION 2. The affairs of said corporation shall be managed by a board of not less than five nor more than

Directors,
by-laws, etc.

Directors,
by-laws, etc.

nine directors, the number to be fixed by the by-laws. Its first board shall be chosen by the above-named incorporators or a majority of them, who shall also adopt by-laws, which may provide as to the election and qualification of directors, and as to the classification of directors and their term of office, and may provide that only a minority shall be elected annually; said incorporators or a majority of them shall also make provision as to filling vacancies in the board, and otherwise as to the management of the affairs of the corporation; and may adopt any other by-laws which shall be consistent with the general laws of this Commonwealth and the provisions hereof.

Capital stock,
bonds, etc.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars. Said corporation may issue bonds for its corporate purposes, secured by mortgage of its property and franchise. Said bonds and stock shall be issued in accordance with the laws of this Commonwealth relating to the issue of bonds and stock by railroad corporations, in force at the time such issue is made.

List of first
board of direc-
tors to be filed.

SECTION 4. The corporation hereby created may begin business upon filing with the secretary of the Commonwealth a list of its first board of directors and a copy of its by-laws.

SECTION 5. This act shall take effect upon its passage.

Approved March 7, 1895.

Chap. 92. AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE MASSACHUSETTS HIGHWAY COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the state highway loan fund, to meet expenses of the Massachusetts highway commission for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: —

Highway
commission,
rent, etc.

For rent of office, including care, heating and lighting the same, a sum not exceeding one thousand dollars, this amount being in addition to the sum heretofore appropriated for rent in an act passed the present year.

Clerks.

For the salaries of clerks and such clerical assistance as said commission may find necessary, a sum not exceeding five thousand dollars.

For the salary of the chief engineer, a sum not exceeding three thousand dollars. Chief engineer.

For incidental and contingent expenses of said commission, a sum not exceeding fifteen hundred dollars. Incidental expenses.

For travelling expenses of said commission, a sum not exceeding fifteen hundred dollars. Travelling expenses.

For expenses in connection with surveys of roads, for the purpose of laying out and building state highways, a sum not exceeding ten thousand dollars. Surveys of roads.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1895.

AN ACT PROVIDING FOR THE PAYMENT OF POSTAGE AND EXPRESS-
AGE ON DOCUMENTS SENT TO MEMBERS OF THE GENERAL COURT.

Chap. 93.

Be it enacted, etc., as follows:

SECTION 1. There shall be allowed and paid annually out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended by the secretary of the Commonwealth for the purpose of paying postage and express charges on legislative and other documents forwarded to members of the general court. Postage and express charges on documents.

SECTION 2. Chapter fifty-three of the acts of the year eighteen hundred and eighty-nine is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1895.

AN ACT TO AUTHORIZE TOWNS TO PAY THE TUITION OF CHILDREN
ATTENDING CERTAIN ACADEMIES IN TOWNS IN WHICH THERE IS
NO HIGH SCHOOL.

Chap. 94.

Be it enacted, etc., as follows:

SECTION 1. Any town in which a high school is not maintained, but in which an academy of equal or higher grade is maintained, may grant and vote money to pay the tuition of children residing in such town and attending such academy: *provided*, such academy is approved for that purpose by the state board of education. Tuition of children in certain towns having no high school.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1895.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE FITCHBURG AND LEOMINSTER STREET RAILWAY.

Chap. 95.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and seventy-four of the acts of the year eighteen hundred and ninety-three Time extended.

shall not be void by reason of the failure of the Fitchburg and Leominster Street Railway Company to locate and construct its railway within the time fixed by section six of said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1895.

Chap. 96. AN ACT PROVIDING FOR ADDITIONAL COPIES OF THE REPORT OF THE ATTORNEY-GENERAL.

Be it enacted, etc., as follows:

Report of attorney-general.

SECTION 1. There shall be printed for the use of the attorney-general five hundred copies of his report in addition to the number now authorized by law.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1895.

Chap. 97. AN ACT RELATIVE TO THE ERECTION AND ALTERATION OF BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Erection, etc., of buildings in city of Boston.

SECTION 1. No building hereafter erected in the city of Boston shall be occupied above the second story by more than one family, unless it is a first or second class building, and no second class building more than sixty-five feet in height above the cellar bottom, or third class building more than three stories in height, shall be erected, enlarged or altered, and occupied as a lodging house, tenement house or dwelling house, unless the basement and first story shall be constructed in the manner provided for the basement and first story of first class buildings, under section twenty-three of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two.

Repeal.

SECTION 2. Section one hundred and six of said chapter four hundred and nineteen, and acts or parts of acts in amendment thereof, are hereby repealed.

Approved March 7, 1895.

Chap. 98. AN ACT TO AUTHORIZE THE TOWN OF SAUGUS TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

Saugus School-house Loan.

SECTION 1. The town of Saugus, for the purpose of acquiring land for a schoolhouse or schoolhouses, and of erecting and furnishing such building or buildings, may

incur indebtedness to an amount not exceeding thirty-six thousand dollars, and may issue negotiable bonds, notes or certificates of indebtedness therefor, bearing on their face the words, Saugus Schoolhouse Loan, bearing interest at a rate not exceeding four per cent. per annum. The principal of said bonds, notes or certificates of indebtedness shall be payable, three thousand dollars in the year nineteen hundred and four, and a like sum in each succeeding year until the whole amount of said indebtedness is provided for. Said town may sell said bonds, notes or certificates of indebtedness, or any part thereof, at public or private sale: *provided*, that the same shall not be sold for less than the par value thereof.

Proviso.

SECTION 2. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the town of Saugus under the provisions of section four of chapter twenty-nine of the Public Statutes.

Not to be considered in determining debt limit.

SECTION 3. The provisions of section nine of chapter twenty-nine of the Public Statutes relative to the establishment of a sinking fund, and the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and eighty-two relative to making annual proportionate payments, shall not be binding upon the town of Saugus in the payment of the indebtedness herein provided for.

P. S. 29, § 9, and 1882, 133, not to apply.

SECTION 4. This act shall take effect upon its acceptance by a majority vote of the voters of the town of Saugus present and voting thereon at a legal town meeting called for that purpose within one year from its passage, but the number of meetings so called shall not exceed three.

When to take effect.

Approved March 8, 1895.

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO ESTABLISH
HOSPITALS FOR DANGEROUS DISEASES.

Chap. 99.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge by its city council, from time to time, after the passage of this act, may take and hold by purchase or otherwise any and all such real estate and lands within said city as it may deem advisable, for the erection and establishment thereupon of one or more hospitals for the reception of persons having a disease dangerous to the public health.

May take lands, etc., for hospital purposes.

Description of
lands, etc., to be
recorded.

SECTION 2. The said city shall, within sixty days after the taking of any lands and real estate as aforesaid, otherwise than by purchase or gift, cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which statement shall be signed by the mayor.

Damages.

SECTION 3. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of any of their land, real estate or property, for the purposes aforesaid. If any person sustaining damage as aforesaid does not agree with said city upon the amount of said damage he may, within one year from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in said county of Middlesex. Such petition may be filed in the clerk's office of said court, and the clerk shall thereupon issue a summons to the said city, returnable on the first Monday of the next month after the expiration of fourteen days from the filing of the petition, to appear and answer to the petition. The summons shall be served fourteen days at least before the day at which it is returnable by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said city; and the court may, upon default or hearing of said city, appoint three disinterested persons who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid, together with interest at the rate of four per centum per annum from the date of the actual entry and taking of possession by said city. And the award of the persons so appointed or a major part of them, being returned into and accepted by the court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the parties claims a trial by jury, as hereinafter provided.

Damages may
be assessed by
jury, etc.

SECTION 4. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the sitting at which such award was accepted, or the next sitting thereafter, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to

assess the amount thereof with interest as aforesaid; and the verdict of the jury being accepted and recorded by the court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

SECTION 5. In every case of a petition to the superior court for an assessment of damages, as provided in this act, the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court, or offer of judgment, and shall not be entitled to either costs or interest afterwards, unless the amount recovered by him in such action exceeds the amount so tendered.

City may tender a specified sum, etc.

SECTION 6. For the purpose of defraying the cost of such real estate and land as may be purchased, taken or held for the purposes aforesaid, and of constructing, equipping and maintaining the hospital and hospitals authorized by this act, and paying all expenses incident thereto, the city council of Cambridge shall have authority to issue from time to time as it may require, in excess of the limit allowed by law, scrip or bonds to be denominated on the face thereof, Cambridge Hospital Loan, to an amount altogether not exceeding one hundred and fifty thousand dollars, bearing interest not exceeding four per centum per annum, payable semi-annually, the principal to be payable at periods of not more than twenty years from the issuing of such scrip or bonds respectively. Said city council may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be pledged or sold for less than the par value thereof. The provisions of the tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to this act.

Cambridge Hospital Loan.

SECTION 7. Such hospitals shall be subject to the orders and regulations of the board of health of said city,

Subject to orders of board of health, etc.

and to the provisions of sections seventy-three to eighty-three inclusive of chapter eighty of the Public Statutes and acts in amendment thereof and in addition thereto.

Distance from
certain in-
habited dwell-
ing houses.

SECTION 8. No such hospital shall be established within one hundred rods of an inhabited dwelling house situated in an adjoining city or town, without the consent of such city or town by its city council or board of selectmen, respectively.

When to take
effect.

SECTION 9. This act shall take effect upon its acceptance by the city council of the city of Cambridge.

Approved March 9, 1895.

Chap.100 AN ACT TO ABOLISH THE OFFICE OF COMMISSIONER OF INSOLVENCY.
Be it enacted, etc., as follows :

Office abolished.

SECTION 1. There shall be no election of commissioners of insolvency in the year eighteen hundred and ninety-five, and said office shall be abolished after the first Wednesday in January in the year eighteen hundred and ninety-six.

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 9, 1895.

Chap.101 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO SELL A PARCEL
OF LAND IN QUINCY.

Be it enacted, etc., as follows :

Certain land in
Quincy may be
sold by city of
Boston.

SECTION 1. The city of Boston may sell and convey, at public or private sale, the parcel of land which was conveyed to the selectmen of the town of Dorchester by Daniel Preston, senior, by deed dated the twenty-first day of January in the year sixteen hundred and ninety-seven, and recorded with Suffolk deeds, libro forty-two, folio two hundred and twenty-five, and of which said city became seized by the annexation to it of the town of Dorchester.

Proceeds of
sale.

SECTION 2. The proceeds of such sale shall be invested in such other property as any justice of the supreme judicial court sitting in equity for the county of Suffolk shall deem best and proper, and the same shall be held by the city of Boston on the same trusts as said land was held by said city, or upon such other trusts as shall be deemed by such justice sitting in equity as aforesaid, just and proper.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1895.

AN ACT RELATIVE TO THE COLLATERAL LOAN COMPANY.

Chap.102

Be it enacted, etc., as follows :

SECTION 1. The Collateral Loan Company may establish two branch offices in the city of Boston. The maximum charge made by said company to borrowers shall not exceed one and one half per cent. a month : *provided, however,* that upon loans of five dollars and under the company shall be entitled to interest for six months at said rate when the debt is paid before the expiration of that period.

May establish branch offices, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1895.

AN ACT RELATIVE TO THE ABOLITION OF GRADE CROSSINGS.

Chap.103

Be it enacted, etc., as follows :

SECTION 1. Any order, appointment or decree which can be made by the superior court or a justice thereof, under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts in addition thereto or in amendment thereof, may be made in any county.

Orders, etc., of superior court may be made in any county.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1895.

AN ACT RELATIVE TO CHANGE OF NAME BY FRATERNAL BENEFICIARY CORPORATIONS.

Chap.104

Be it enacted, etc., as follows :

SECTION 1. Any corporation subject to the provisions of chapter three hundred sixty-seven of the acts of the year eighteen hundred ninety-four may, with the consent of the insurance commissioner, upon application to the commissioner of corporations, change its name under the conditions and in the manner prescribed in chapter three hundred and sixty of the acts of the year eighteen hundred and ninety-one.

Names of certain corporations may be changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1895.

AN ACT TO AUTHORIZE AN INCREASE IN THE NUMBER OF MEMBERS OF STANDING COMMITTEES OF CHURCHES.

Chap.105

Be it enacted, etc., as follows :

SECTION 1. Section three of chapter four hundred and four of the acts of the year eighteen hundred and eighty-

1887, 404, § 3, amended.

Officers of
churches,
election, etc.

seven is hereby amended by striking out in the fifth line, the word "seven", and inserting in place thereof the word: — twenty-four, — so as to read as follows: — *Section 3.* The resident members of such church of twenty-one years of age and upwards may assemble at their place of worship and by ballot elect a moderator, clerk, treasurer, a standing committee of not less than three nor more than twenty-four members and such other officers as they may deem necessary. The clerk shall be sworn.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1895.

Chap.106 AN ACT RELATIVE TO BOARDING VESSELS ARRIVING IN GLOUCESTER HARBOR.

Be it enacted, etc., as follows:

Boarding of
vessels in
Gloucester har-
bor restricted.

SECTION 1. Any person, except a pilot or public officer, who boards or attempts to board a vessel arriving in Gloucester harbor, before such vessel has been made fast to the wharf, without obtaining leave from the master or person having charge of such vessel, or leave in writing from its owners or agent, shall forfeit a sum not exceeding fifty dollars for each offence.

Limits defined.

SECTION 2. For the purposes of the preceding section, the outer limits of Gloucester harbor for vessels bound thereto shall be a line drawn from Eastern Point to Norman's Woe.

Approved March 9, 1895.

Chap.107 AN ACT TO INCORPORATE THE BAY STATE SAVINGS BANK.

Be it enacted, etc., as follows:

Bay State
Savings Bank
incorporated.

SECTION 1. Andrew Athy, Richard Healy, Daniel Downey, Matthew B. Lamb, George McAleer, Denis C. Leonard, Thomas B. F. Boland, James C. Luby, Richard O'Flynn, John O'Meara, James McDermott, William Hart, Thomas H. Hall, Timothy H. Murphy, Thomas Monahan, Charles J. O'Hara, Peter Wood, John B. Rattigan, Alexander Belisle, jr., their associates and successors, are hereby made a corporation by the name of the Bay State Savings Bank, with authority to establish and maintain a savings bank in the city of Worcester; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1895.

AN ACT TO AUTHORIZE AN INCREASE IN THE NUMBER OF TRUSTEES
OF BRADFORD ACADEMY. Chap.108

Be it enacted, etc., as follows:

SECTION 1. The number of Trustees of Bradford Academy shall hereafter be limited to fifteen instead of eleven as now provided by law. Number of trustees increased.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1895.

AN ACT TO EXEMPT THE HOLYOKE WATER POWER COMPANY
FROM MAINTAINING A FISHWAY. Chap.109

Be it enacted, etc., as follows:

The Holyoke Water Power Company is exempt from maintaining a fishway in its dam across the Connecticut river between Holyoke and South Hadley. Exempt from maintaining fishway.

[The foregoing was laid before the Governor on the sixth day of March, 1895, and after five days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.]

AN ACT TO AUTHORIZE THE TOWN OF LEOMINSTER TO REFUND ITS
WATER DEBT. Chap.110

Be it enacted, etc., as follows:

SECTION 1. The town of Leominster, for the purpose of paying and refunding so much of its existing indebtedness as may have been incurred in the construction of its water works, or such as may have been incurred in the refunding of indebtedness previously incurred in the construction of its water works, may issue from time to time bonds, notes or scrip, bearing interest at a rate not exceeding five per cent. per annum, and to an amount not exceeding one hundred and ninety-one thousand dollars. May issue bonds, notes or scrip, etc.

SECTION 2. Said bonds, notes or scrip may be payable at any time within thirty years from their date, and said town may reserve the right to pay the same at an earlier date than that at which they are absolutely payable. They shall be denominated on their face, Water Bonds of the Town of Leominster. Water Bonds of the Town of Leominster.

SECTION 3. Said town may renew any of its bonds, notes or scrip issued under the authority of this act, provided the time of the payment of such renewal bonds, notes or scrip shall not be extended beyond the period of thirty years from the passage of this act. May renew bonds, etc.

Proceeds of
sale.

SECTION 4. The proceeds of the sale of said bonds, notes or scrip shall be used to redeem and pay the existing water bonds issued by said town prior to the eighteenth day of May in the year eighteen hundred and ninety-four.

Payment of
loan.

SECTION 5. There shall be annually paid to the sinking fund commissioners of the town of Leominster from the net income of the water department of said town, after the payment of the expense of the maintenance of the works and the interest upon the water debt, such sum as shall with the accumulations of interest thereon be sufficient to pay at the maturity thereof the water bonds, notes or scrip issued under the authority of this act.

P. S. 29, §§ 10
and 11, etc., to
apply.

SECTION 6. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes and acts in addition thereto or in amendment thereof shall, so far as applicable and not inconsistent with this act, apply to said water loan sinking fund.

SECTION 7. This act shall take effect upon its passage.

Approved March 13, 1895.

Chap. 111 AN ACT TO REQUIRE ADVERTISEMENTS FOR PROPOSALS FOR COUNTY LOANS.

Be it enacted, etc., as follows :

Proposals for
purchase of
bonds, etc., to
be advertised.

When authority has been given to increase the indebtedness of any county the county commissioners of said county shall invite proposals for the purchase of the bonds, notes or certificates of indebtedness to be issued pursuant to such authority, by advertisements in two or more newspapers published within said county, if such there be, and by advertisements in at least three daily newspapers published in the city of Boston. They shall reserve the right to reject any and all bids. The bids shall be opened in public and a record thereof shall be made in the records of the county commissioners. If no proposal shall be accepted the commissioners may award the whole or any part of the loan to any person or party.

Approved March 13, 1895.

Chap. 112 AN ACT RELATIVE TO THE COMPENSATION OF SPECIAL COUNTY COMMISSIONERS.

Be it enacted, etc., as follows :

Special county
commissioners.

SECTION 1. The amount allowed to special county commissioners for travel under existing laws shall be paid from the treasury of the county.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1895.

AN ACT AUTHORIZING THE TREASURER OF THE COUNTY OF WORCESTER TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE.

Chap.113

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the county of Worcester may employ additional clerical assistance in his office at an annual expense not to exceed three hundred dollars.

Additional
clerical
assistance.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1895.

AN ACT TO INCORPORATE THE FIDELITY TRUST COMPANY.

Chap.114

Be it enacted, etc., as follows:

SECTION 1. Henry H. Proctor, John Wales, William A. Gaston, Lewis P. Bartlett, jr., Decius Beebe, Owen J. Lewis and Weston K. Lewis, their associates and successors, are hereby made a corporation under the name of the Fidelity Trust Company.

Fidelity Trust
Company
incorporated.

SECTION 2. Said corporation shall have authority to establish and maintain a safe deposit and trust company in the city of Boston, with all the powers and privileges and subject to all the rights, duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

May establish,
etc., a safe
deposit and
trust company.

SECTION 3. This act shall take effect upon its passage.

Approved March 13, 1895.

AN ACT RELATIVE TO FLAGS UPON PUBLIC BUILDINGS AND SCHOOL-HOUSES.

Chap.115

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful to display the flag or emblem of any foreign country upon the outside of any state, county, city or town building or public schoolhouse within this Commonwealth: *provided, however,* that when any foreigner shall become the guest of the United States or this Commonwealth, upon proclamation by the governor the flag of the country of which such public guest shall be a citizen may be displayed upon public buildings but not upon public schoolhouses.

Foreign flags,
etc., not to be
displayed upon
public buildings
or schoolhouses.
Proviso.

SECTION 2. Any person violating the provisions of this act shall be punished by a fine of not more than twenty dollars.

Penalty.

SECTION 3. This act shall take effect upon its passage.

Approved March 13, 1895.

Chap.116 AN ACT RELATIVE TO JURY TRIALS IN EQUITY AND PROBATE CAUSES.

Be it enacted, etc., as follows:

P. S. 151, § 27,
amended.

Court may
frame issues for
jury, etc.

SECTION 1. Section twenty-seven of chapter one hundred and fifty-one of the Public Statutes is hereby amended by inserting in the first line, after the word "may", the words:—in its discretion,—by inserting in the third line, after the word "tried", the words:—at the bar of the supreme judicial court or the superior court,—by striking out in the third and fourth lines, the words "at the bar of the supreme judicial court or the superior court", and inserting in place thereof the words:—or at the request of all parties in any other county in which said courts or a single justice thereof may sit,—so as to read as follows:—*Section 27.* The court may in its discretion frame issues of fact to be tried by a jury, in an equity cause, when requested by a party, and direct the same to be tried at the bar of the supreme judicial court or the superior court in the county where such cause is pending, or at the request of all parties in any other county in which said courts or a single justice thereof may sit.

Probate
appeals.

SECTION 2. This act shall also apply to trials by jury in probate appeals.

SECTION 3. This act shall take effect upon its passage.

Approved March 13, 1895.

Chap.117 AN ACT FIXING THE TIME WHEN LIENS FOR THE ANNUAL RENTS FOR THE USE OF COMMON SEWERS SHALL ATTACH TO REAL ESTATE.

Be it enacted, etc., as follows:

Liens for rents
to attach to real
estate.

The lien authorized by section one of chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two, for annual charges or rents for the use of common sewers, shall attach to the real estate at the time such charges or rents are established by vote of the town, or city council, as provided in said section.

Approved March 13, 1895.

Chap.118 AN ACT TO REPEAL SECTION FIFTY-SEVEN OF CHAPTER ONE HUNDRED AND SEVENTY-EIGHT OF THE PUBLIC STATUTES, RELATIVE TO PREFERENCES IN THE ASSIGNMENT OF PARTS OF REAL PROPERTY.

Be it enacted, etc., as follows:

P. S. 178, § 57,
repealed.

SECTION 1. Section fifty-seven of chapter one hundred and seventy-eight of the Public Statutes, relative to the

preference of males to females, and elder to younger sons among children, in the assignment of parts of real property among heirs, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1895.

AN ACT TO EXTEND THE TIME FOR COMPLETING THE ORGANIZATION OF THE NEW ENGLAND BURGLARY INSURANCE COMPANY.

Chap.119

Be it enacted, etc., as follows :

The time for completing the organization of the New England Burglary Insurance Company, and the filing of the statement thereof with the secretary of the Commonwealth, is hereby extended to the thirty-first day of December in the year eighteen hundred and ninety-five.

Time extended.

Approved March 13, 1895.

AN ACT TO EQUALIZE THE RIGHT OF CHALLENGE OF THE COMMONWEALTH AND DEFENDANTS ACCUSED OF CRIME.

Chap.120

Be it enacted, etc., as follows :

SECTION 1. In all criminal cases where two or more persons are tried together the Commonwealth shall be allowed, before the trial commences, to challenge peremptorily, of the jurors called to try the cause, a number equal to the total number of peremptory challenges to which all the defendants are entitled by law.

Challenging of jurors.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1895.

AN ACT RELATIVE TO THE RESERVATION OF SPECIAL SPACES FOR THE USE OF STREET RAILWAYS IN THE TOWN OF MILTON.

Chap.121

Be it enacted, etc., as follows :

SECTION 1. No location for the tracks of any street railway company shall be granted within the limits of the town of Milton, except in ways in which special space for the use of street railways shall have been reserved prior to such location of such tracks, nor shall any such locations be granted in such ways, except within the limits of such reserved space: *provided, however,* that ways for travel may be allowed to intersect and cross over such reserved space, at the junctions of streets and at such other places as public convenience may require. Locations in such reserved spaces shall be granted in the same manner and with the same rights, restrictions and limitations as locations in public ways under the general provisions of law.

Special spaces for street railways.

Proviso.

Construction
of town ways
hereafter laid
out, etc.

SECTION 2. When in any town way hereafter laid out or altered in said town it is intended, at the time of such laying out or alteration, to reserve special space for the use of street railways therein, the laying out or alteration of such way, to be reported by the selectmen to said town for its acceptance, shall contain the boundaries and measurements of such reserved space, together with a statement showing how the same is to be constructed.

Special spaces
to be laid out by
selectmen, etc.

SECTION 3. The selectmen of said town may lay out, and said town may accept and allow, in the manner hereinafter provided, special space for the use of street railways in any town way or highway heretofore or hereafter laid out within said town; but no special space for the use of street railways in any town way or highway within said town, unless such special space was reserved in the original laying out or alteration thereof, shall be established until a laying out of such reserved space by the selectmen of said town, with the boundaries and measurements thereof, together with a statement of how the same is to be constructed, is reported to said town and accepted and allowed at some public meeting of the inhabitants regularly warned and notified therefor; nor unless such laying out, with the boundaries and measurements, is filed in the office of the clerk of said town seven days at least before such meeting.

SECTION 4. This act shall take effect upon its passage.

Approved March 16, 1895.

Chap. 122 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO REFUND ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

May issue
bonds, notes
or scrip, etc.

SECTION 1. The town of Marblehead, for the purpose of paying its bonds which fall due on the first day of October in the present year, and for refunding other existing indebtedness, may issue bonds, notes or scrip therefor, to an amount not exceeding fifty thousand dollars, payable five thousand dollars annually after the year eighteen hundred and ninety-six, and bearing interest payable semi-annually, at the rate of four per cent. a year. Said bonds shall be sold at public or private sale, and the proceeds shall be used to discharge an equal amount of the existing indebtedness of said town.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1895.

AN ACT TO INCORPORATE THE SHEFFIELD WATER COMPANY.

Chap. 123

Be it enacted, etc., as follows :

SECTION 1. Harry S. Andrews, William H. Dresser, William H. Little and Theodore C. Wickwire, their associates and successors, are hereby made a corporation by the name of the Sheffield Water Company, for the purpose of supplying the inhabitants of the town of Sheffield with water for the extinguishment of fires and for domestic, manufacturing and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Sheffield Water
Company
incorporated.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take, acquire by purchase or otherwise, and hold the waters of any brook or brooks, spring or springs, within the limits of said town of Sheffield, and all water rights connected therewith, and obtain and take water by means of bored, driven, artesian or other wells, on land within the limits of said town of Sheffield, and hold and convey said waters through said town; and may also take and hold, by lease or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and conveying the same to any part of said town, and erect on the lands thus taken or held proper dams, fixtures or other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, over and under any lands, water courses, railroads, highways, town ways, public or private ways of any nature, kind or description, and along such ways, and in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing said conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and enter upon and dig up any such ways: *provided, however,* that said company shall not enter upon and dig up any public ways except upon the approval of the board of selectmen of the town in which such ways are situated, after a public hearing by said board of which at least ten days' notice

May take
certain waters,
lands, etc.

Provisos.

shall be given by publishing an attested copy of said notice in a newspaper published in said town, if any, and by posting an attested copy of said notice in at least five public places in said town; and *provided, further*, that no hearing shall be necessary in cases where said ways are to be entered upon and dug up by said company for the purpose of constructing extensions to its plant and maintaining and repairing such conduits, pipes and other works.

Description of
lands, etc., to
be recorded.

SECTION 3. The said corporation shall, within sixty days of the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Berkshire a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same was taken, signed by the president of the corporation.

Damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with the said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property or the doing of any injury under the authority of this act; but no such application shall be made after the expiration of the said two years. No application for assessment of damages shall be made for the taking of any water, water rights or water source, or for any injuries thereto, until the water is actually withdrawn or diverted by the said corporation under the authority of this act.

Distribution of
water, etc.

SECTION 5. The said corporation may distribute the water through said town of Sheffield, may regulate the use of said water and fix and collect the rates to be paid for the use of the same; and may make such contracts with the said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishment of fire or for any purpose, as may be agreed upon by said

town or such fire district, individual or corporation, and said corporation, and may establish public fountains and hydrants and relocate and discontinue the same.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value ten thousand dollars, and the whole capital stock of the said corporation shall not exceed thirty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate,
capital stock,
etc.

SECTION 7. Immediately after the payment of the capital stock of said company a certificate of that fact and of the manner in which the same has been paid in, and at the time of making the certificate has been invested, or voted by the corporation to be invested, signed and sworn to by the president, treasurer and a majority at least of the directors and approved by the commissioner of corporations, shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such details as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

Certificate of
payment of
capital to be
filed.

SECTION 8. Said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

May issue
mortgage
bonds, etc.

SECTION 9. The capital stock hereinbefore authorized shall be issued only in such amounts as may from time to time upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issues shall specify the respective amounts of stock and bonds authorized to be issued and the purposes to which the

Issue of stock
and bonds to be
approved by
commissioner
of corporations.

proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued. And the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

Penalty for
corruption of
water, etc.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by the persons herein named, or their successors or assigns, under the authority and for the purposes of this act, shall forfeit and pay to said persons above-named, their successors or assigns, three times the amount of damages assessed therefor, to be recovered by an action of tort; whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used under the authority of and for the purposes of this act, shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Town may
take franchise,
property, etc.

SECTION 11. The town of Sheffield shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Sheffield, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town and shall be deducted from the amount required

Statement of
receipts and
expenditures
to be made
annually.

to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

SECTION 12. Said town may, for the purpose of paying the cost of said corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate seventy thousand dollars; such bonds, notes or scrip shall bear on their face the words, Sheffield Water Loan, shall be payable at the expiration of periods not exceeding thirty years from date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sheffield Water Loan.

Sinking fund.

SECTION 13. Said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act, and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for annual payments on loan.

SECTION 14. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act,

Return to state amount of sinking fund, etc.

and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Payment of
expenses, etc.

SECTION 15. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Water commis-
sioners, powers,
duties, etc.

SECTION 16. Said town shall, after its purchase of said corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To be trustees
of sinking fund.

Vacancy.

Security for
payment of
damages, etc.,
required in
certain cases.

SECTION 17. Upon application of the owner of any land, water or water rights taken under this act, the county commissioners for the county in which such land, water or water rights are situated, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and the said county commissioners shall in

like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

SECTION 18. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

When to take effect.

Approved March 16, 1895.

AN ACT TO PROVIDE FOR AN INCREASE IN THE NUMBER OF WARDS IN THE CITY OF TAUNTON, AND IN THE NUMBER OF ALDERMEN AND COMMON COUNCILMEN.

Chap. 124

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and eleven of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out the word "eight", in the fourth line, and inserting in place thereof the word:—nine,—also by striking out the word "twenty-four", in the fifth line, and inserting in place thereof the word:—twenty-seven,—so as to read as follows:—*Section 2.* The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in a mayor, one council of nine to be called the board of aldermen, and one council of twenty-seven to be called the common council; which boards, in their joint capacity, shall be called the city council; and the members thereof shall be sworn to the faithful discharge of their duties. A majority of each board shall constitute a quorum for business.

1882, 211, § 2,
amended.

Government
vested in mayor
and city council.

SECTION 2. Section three of said chapter is hereby amended by striking out all after the word "shall", in the first line, and inserting in place thereof the following:—be divided into nine wards. The city council of said city of Taunton shall, on or before the first day of May in the year eighteen hundred and ninety-five, fix the boundaries of said wards, and once in five years thereafter may alter the boundaries of said wards, so as to establish, maintain and preserve, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward,—so as to read as follows:—*Section 3.* The city of Taunton shall be divided into nine wards. The city council of said city of Taunton shall, on or before

1882, 211, § 3,
amended.

City of Taunton
to be divided
into nine wards.

the first day of May in the year eighteen hundred and ninety-five, fix the boundaries of said wards, and once in five years thereafter may alter the boundaries of said wards, so as to establish, maintain and preserve, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Taunton, but shall be void unless accepted by said city council on or before the tenth day of April in the year eighteen hundred and ninety-five.

Approved March 16, 1895.

Chap.125 AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON, FOR CIVIL BUSINESS.

Additional clerical assistance.

Be it enacted, etc., as follows :

SECTION 1. The clerk of the municipal court of the city of Boston, for civil business, shall be paid by the county of Suffolk fifteen hundred dollars for additional clerical assistance, in addition to and in the manner provided for the amount now paid said clerk by said county for clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1895.

Chap.126 AN ACT TO INCORPORATE THE OAKLAND CEMETERY ASSOCIATION.

Be it enacted, etc., as follows :

Oakland Cemetery Association incorporated.

SECTION 1. Orin F. Osgood, William P. Varnum, Joseph G. Eaton, George W. Clement, Joseph M. Wilson, their associates and successors, are hereby made a corporation by the name of the Oakland Cemetery Association, for the purpose of establishing and perpetuating a place for the burial of the dead in the town of Dracut, and shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in chapter eighty-two of the Public Statutes and all laws which now are or hereafter may be in force relating to such corporations.

May hold real and personal estate.

SECTION 2. Said corporation may hold such real and personal estate as is necessary and convenient for the purposes aforesaid, not exceeding in value two thousand dollars; such real estate however shall not exceed three acres in extent.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1895.

AN ACT TO EXTEND THE POWER OF CITIES AND TOWNS TO ADOPT THE PROVISIONS OF CHAPTER TWO HUNDRED AND FORTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND NINETY-TWO RELATIVE TO SEWERS.

Chap.127

Be it enacted, etc., as follows:

Section eight of chapter two hundred forty-five of the acts of the year eighteen hundred ninety-two is hereby amended by striking out the following words therein, “but has not prior to the passage of this act actually made and collected assessments upon real estate benefited thereby”, so as to read as follows:—*Section 8.* Any city except Boston, and any town, which has laid or shall hereafter lay common sewers may, if the city council of such city or the legal voters of such town so vote, adopt any or all of the preceding provisions of this act, and of chapter fifty of the Public Statutes, anything in any special act to the contrary notwithstanding.

1892, 245, § 8, amended.

Certain provisions relative to sewers may be adopted.

Approved March 16, 1895.

AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

Chap.128

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson may, by such board or other agency as it may determine, lay out, construct and maintain a system of sewerage and sewage disposal for said town, and may by such board or agency take, by purchase or otherwise, any lands, water rights, rights of way or easements in the town of Hudson deemed by said board or agency necessary for the establishment of such system of sewerage and sewage disposal and for connections therewith.

May take lands, etc., for sewerage purposes, etc.

SECTION 2. No act shall be done under the authority of the preceding section until said system and location have been approved by the state board of health, after fourteen days' notice by said board of the presentation to it of such system for its approval, by a publication of such notice, with the time and place for a hearing thereon, in such newspapers and at such times as said board may deem proper; and said board, after hearing, may reject such system, may approve it or may modify and amend the same, and approve it as so modified and amended.

Location, etc., to be approved by state board of health.

SECTION 3. Said town may, for the purposes of this act, carry its sewers, pipes and conduits under any street,

May carry sewers, etc., under streets, etc.

railroad, highway or other way in such a manner as not unnecessarily to obstruct the same, and do any other thing necessary and proper for said purposes.

Description of
lands, etc., to
be recorded.

SECTION 4. Said town, when it takes any lands, water rights, rights of way or easements or other real estate under the authority of this act, in any manner other than by purchase, shall cause to be recorded in the registry of deeds for the county and district in which the same are situated a description of the same as certain as is required in a common conveyance of land, with a statement that the same are taken under the authority of this act, signed by the selectmen of said town; and upon such recording the title of the lands, water rights, rights, easements and other real estate so described shall vest in said town.

Damages.

SECTION 5. Said town shall pay all damages sustained by any person in his property by reason of such taking, and if such person and town fail to agree as to the amount of damages sustained such damages shall be assessed and determined by a jury of the superior court, in the manner provided by law when land is taken for the laying out of highways, on the petition therefor by such person or town, filed in the office of the clerk of said court for the county of Middlesex at any time within the period of two years from the taking of such land or other property.

Town may offer
a specified sum
as damages.

SECTION 6. Said town, in every case of a petition for a jury as aforesaid, may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the sum so offered, within ten days after he has received notice of the offer, and shall not finally recover a greater sum than the sum so offered, not including interest, said town shall be entitled to recover its costs, after the date of said offer, and the complainant, if he recovers damages, shall be allowed his costs only to the date of said offer.

May increase
indebtedness
beyond debt
limit, issue
bonds, etc.

SECTION 7. Said town, to carry out the provisions of this act, may appropriate a sum of money not exceeding in all one hundred and fifty thousand dollars beyond the limit of indebtedness fixed by law for said town; and to raise the money so appropriated the treasurer of said town shall from time to time, as requested by the selectmen, issue negotiable bonds, notes or scrip of said town, signed by said treasurer and countersigned by a majority of said selectmen, payable at the expiration of periods not ex-

ceeding thirty years from the date of issue, and bearing such rate of interest, not exceeding six per cent. per annum, as the treasurer of said town shall determine. Said treasurer shall sell the amount of securities so requested at public or private sale, or pledge the same for not less than the par value thereof, upon such terms and conditions as he, with the approval of the selectmen, may deem proper.

SECTION 8. Said town may make payable annually a fixed proportion of the principal of said bonds, notes or scrip, and shall annually raise by taxation the amount required to meet the interest thereon and the proportion thereof payable annually.

Annual payments on loan, etc.

SECTION 9. The state board of health, upon application of the selectmen of any town adjacent to the town of Hudson or to any waters into which any effluent of its sewage is discharged, alleging the existence of a public nuisance or the pollution of said waters to such a degree that the public health is endangered, shall appoint a time and place for a public hearing thereon, and give such notice thereof as said board shall deem proper. After such hearing said board, if in its judgment there is occasion therefor, may order the town of Hudson to abate such nuisance or to cleanse and purify its sewage before the effluent is discharged into the waters aforesaid, so that the public health shall not be endangered.

Abatement of nuisances, etc.

SECTION 10. The selectmen of said town may meet the expenses of constructing and maintaining said sewerage system and the sewers of said town, including the sewers of said system, by assessments made by them upon persons and estates in any manner provided in chapter fifty of the Public Statutes and acts in amendment thereof or addition thereto, or in any other manner that said town may determine; and all the provisions of said chapter and acts so far as applicable shall apply to any assessments made under authority of this act.

Expenses of constructing and maintaining sewers, etc.

SECTION 11. Any court having jurisdiction in equity may, upon application of the board of selectmen of any town authorized by this act to enter a complaint, by any process or decree enforce the orders of the state board of health in the premises.

Enforcement of orders of state board of health.

SECTION 12. This act shall take effect upon its passage; but nothing shall be done and no liability shall be incurred or expenditure made under the same

When to take effect.

until this act shall be accepted by a two thirds vote of the legal voters of said town of Hudson present and voting thereon at a legal town meeting called for the purpose.

Approved March 16, 1895.

Chap.129

AN ACT RELATIVE TO THE EMPLOYMENT OF LABOR.

Be it enacted, etc., as follows:

1894, 508, § 1,
amended.

Section one of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the seventh, eighth and ninth lines, the words "except for incapacity or misconduct, unless in case of a general suspension of labor in his or its shop or factory", so as to read as follows:—

Employer liable
to payment of
forfeiture in
certain cases.

Section 1. Any person or corporation engaged in manufacturing, which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges without similar notice a person in such employ.

Approved March 16, 1895.

Chap.130

AN ACT TO AUTHORIZE THE TOWN OF FAIRHAVEN TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

Fairhaven
Sewerage Loan,
Act of 1896.

SECTION 1. The town of Fairhaven, for the purpose of defraying the expense of constructing and maintaining a system of sewerage, is hereby authorized to issue from time to time as may be required therefor, bonds, notes or scrip to an amount not exceeding eighty thousand dollars, to be denominated on the face thereof, Fairhaven Sewerage Loan, Act of 1895, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, the principal to be payable at periods of not more than twenty years from the date of issue; and shall be signed by the treasurer and countersigned by the selectmen or a majority thereof. Said town may sell said bonds, notes or scrip, or any part thereof, at public or private sale: *provided*, that the same shall not be sold for less than the par value thereof.

Payment of
loan.

SECTION 2. Said town is authorized to make appropriations and assess from time to time such amounts as it

may from year to year decide, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes under the provisions of section thirty-four of chapter eleven of the Public Statutes, and as provided by section nine of chapter twenty-nine of the Public Statutes.

SECTION 3. In determining the limit of indebtedness of the town of Fairhaven debts which have been incurred or which may hereafter be incurred for the construction of a system of sewerage, or of any main drain or common sewer for public use therein, to the amount of eighty thousand dollars, shall not be included.

Not to be included in determining debt limit.

SECTION 4. This act shall take effect upon its passage.

Approved March 16, 1895.

AN ACT TO AUTHORIZE THE TOWN OF FAIRHAVEN TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND ELECT A BOARD OF SEWER COMMISSIONERS.

Chap. 131

Be it enacted, etc., as follows :

SECTION 1. The town of Fairhaven may elect by ballot at an annual or at any special town meeting a board of sewer commissioners, to consist of three persons who shall hold office for terms of one year, two years and three years, respectively, from the date of the meeting at which they are elected if the same is an annual meeting, and if a special meeting, from the date of the annual meeting next following their election, and in either case until their successors are chosen; and at each annual town meeting thereafter said town shall elect one member of said board to serve for three years or until his successor is elected. If a vacancy shall occur in said board said town may at any meeting called for the purpose elect a person to fill said vacancy. The said board shall have, execute and perform all the rights, powers and privileges hereby granted, subject at all times to the votes of said town, and shall have all the powers not inconsistent with said votes and be subject to all the duties, liabilities and penalties which are conferred or imposed upon sewer commissioners by the provisions of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety-three. The said board shall receive such compensation as the town shall from time to time determine.

Board of sewer commissioners, election, terms of office, etc.

Vacancy.

Powers, duties, liabilities, etc.

Compensation.

May construct
and maintain
systems of
sewerage, etc.

SECTION 2. The town of Fairhaven may by its board of sewer commissioners construct and maintain one or more systems of main drains and of sewerage for said town, and shall execute and perform the conditions of the contracts now in being, made by the selectmen in behalf of said town, relating to the construction of a system of sewerage in said town, required to be performed on the part of said town; and may include any or all of the common sewers now laid in said town.

May carry
sewers, etc.,
under streets,
etc.

SECTION 3. Said town may for the purposes of this act carry its sewers, drains, pipes and conduits under and along any street, railroad, highway or other way, in such a manner as not to unnecessarily obstruct the same, and do any other thing necessary and proper for said purposes.

Description of
land, etc., to be
recorded.

SECTION 4. Said town when it takes any land, water rights, rights of way or easements, or other real estate, under the authority of this act, in any manner other than by purchase, shall within sixty days after said taking cause to be recorded in the registry of deeds for the county in which the same are situated a description of the same as certain as is required in a common conveyance of land, with a statement that the same are taken under the authority of this act, signed by said sewer commissioners; and upon such recording the title of the lands, water rights, rights, easements and other real estate so described shall vest in said town of Fairhaven.

Damages.

SECTION 5. Said town shall pay all damages sustained by any person or corporation in property by reason of such taking, and if such person or corporation fails to agree with the town as to the amount of damages sustained such damages shall be assessed and determined by a jury of the superior court, in the manner provided by law when land is taken for the laying out of highways, on petition therefor by such person, corporation or town, filed in the office of the clerk of said court for the county of Bristol at any time within the period of two years from the taking of such land or other property.

Town may offer
a specified sum
as damages.

SECTION 6. In every case of a petition for the assessment of damages by a jury as aforesaid said town may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the sum so offered within ten days after he has received notice of the filing

of such offer, and shall not finally recover a greater sum than the sum so offered and interest thereon to the time of the verdict, said town shall be entitled to recover its costs from the date of the offer; and the complainant if he recovers damages shall be allowed his costs only to the date of said offer.

SECTION 7. The owners of estates situated upon a street or way in which a common sewer in such system is laid shall each pay such proportional share of the estimated cost of all the sewers, including in said estimated cost all damages paid or incurred under the provisions of this act, in said system, estimated upon said estates to such fixed depth from said street or way as shall be directed by the voters of said town by a majority vote of the whole number of votes of the voters present and voting thereon at any annual or special town meeting of said town duly called for that purpose, but no owner shall be assessed under this section unless a common sewer is laid along the whole or a portion of that part of the street or way which abuts upon his estate.

Owners of certain estates to pay proportional share of estimated cost.

SECTION 8. Said board of sewer commissioners shall estimate the cost of such sewer system, and upon the completion of such system, or of such portion thereof as said town shall by vote direct, shall levy an assessment under section seven of this act, and said board shall transmit to the collector of taxes of said town a list of persons liable to such assessment, together with the amount due from each. Each person shall pay his assessment to the said collector within three months after said list has been so transmitted: *provided*, that the board having charge of such assessments, upon the request of the person assessed, or of his agent, may apportion any of the same into any number of equal parts, not exceeding ten, one of said parts to be paid within the time above-provided and the other parts equally in the successive years thereafter, on or before the first day of November of each year, interest to be paid from the time of such assessment to the time of payment, at a rate not less than five per cent. per annum. The collector shall serve upon the person assessed, or upon any person occupying or having charge of the estate upon which the assessment is made, a notice stating the amount due and the time when the same is payable. Such notice, placed in the mail, postage prepaid, addressed to the owner, occupant or person having charge of the estate

Payment, etc., of assessments.

Proviso.

Notice to be served.

assessed, to his address last known to the collector, within one month after said list is committed to the collector, shall be deemed a sufficient notice under this section.

Assessments to constitute a lien on estates, etc.

SECTION 9. Assessments so made shall constitute a lien on the portion of such estates included in the fixed depth determined under the provisions of section seven of this act, for two years after the same are made and committed to the collector for collection, or in case of apportionment, for two years after the last part is due, and may, with incidental costs and expenses, be levied by sale of such estates if the assessment is not paid within three months after the date of notice from said collector that the list has been transmitted to the collector, or if apportioned, within three months after each assessment is payable; such sales to be conducted and the owners of such estates to have the same right to redeem as in case of sales for the non-payment of taxes. Such assessments may also be collected by action of contract brought any time within six years after the same are due. Any person aggrieved by such assessment may apply to the board having charge of the assessment for an abatement of the same, and may appeal from the decision of said board in the manner now provided by law for appeals from assessments for construction of sewers.

Persons aggrieved may apply for abatement.

Assessment may be omitted in certain cases, etc.

SECTION 10. If any land situated upon a street or way in which there is a common sewer is, in the opinion of the board having charge of the assessment, so situated that it will be impracticable to use the common sewer, said board may omit such land from the assessment, or if such land is assessed the owner thereof may within one month after such notice of such assessment apply to said board for an abatement of the whole or a portion of the assessment made upon such estate. If in the opinion of said board such land is not benefited by the common sewer as much as the amount of the assessment then said board may abate the whole of said tax or such part thereof as it deems reasonable; and there shall be no appeal from the decision of said board under this section. The board having charge of the assessment, when requested by the owner, may extend the time of payment of any part of said assessments upon estates not built upon for a fixed time, not exceeding five years, unless the same are sooner built upon: *provided*, that interest at a rate not less than five per cent. per annum be paid annually upon the assess-

Proviso.

ment from the time it was made; and in such case the assessment shall be paid within three months after such estate is built upon by the erection of any portion of a building thereon, or after the expiration of such fixed time. If any assessment is invalid in whole or in part for any reason whatever, or if any error is made in determining the amount of any assessment, the same may be in whole or in part abated and reassessed. The owners or occupants of estates not liable to assessment, or not in fact assessed, may use the common sewers for the disposal of their sewage from said estate, by paying such reasonable sum as the board having charge of the assessment shall determine, but not otherwise; and the estimated amount to be paid by such owners and occupants shall be deducted from the amount to be paid by abutters under section seven of this act.

Use of sewers
by persons not
assessed.

SECTION 11. This act shall take effect upon its acceptance by a vote of said town of Fairhaven at a legal town meeting held for the purpose.

When to take
effect.

Approved March 16, 1895.

AN ACT TO PROVIDE CLERICAL AND MESSENGER SERVICE FOR THE
BOARD OF EDUCATION.

Chap.132

Be it enacted, etc., as follows:

SECTION 1. The board of education may expend annually a sum not exceeding two thousand dollars for clerical and messenger service.

Clerical and
messenger
service.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1895.

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE TREASURER
OF THE COUNTY OF NORFOLK.

Chap.133

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the county of Norfolk shall be allowed for clerical assistance a sum not exceeding two hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-five, to be paid out of the treasury of the county to persons who actually perform the work, upon the certificate of said treasurer that the work is actually performed by them, countersigned by the county commissioners.

Clerical
assistance.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1895.

Chap.134

AN ACT RELATIVE TO THE DISTRIBUTION OF LEGACIES.

Be it enacted etc., as follows:

Probate court
may order
distribution of
legacies in
certain cases.

SECTION 1. Whenever by the provision of a will a legacy is to be distributed in whole or in part among the heirs or next of kin of any person or persons, or in a class of persons, the probate court, on the application of any person interested, after such notice as it may order, may order distribution to be made to such individual or individuals as according to the will seem to be entitled to the legacy, and such order of distribution shall protect the executor or administrator obeying the same as fully as an order of distribution in an intestate estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1895.

Chap.135

AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE FALL RIVER ELECTRIC FREIGHT RAILWAY.

Be it enacted, etc., as follows:

Time for
construction
extended.

SECTION 1. The time within which the Fall River Electric Freight Railway Company may begin and complete the construction of its road, as authorized by chapter one hundred and twenty-six of the acts of the year eighteen hundred and ninety-one, is hereby extended to the first day of July in the year eighteen hundred and ninety-seven; and all the rights, powers, privileges and franchises possessed by said company shall continue to be possessed by it in the same manner and with the same effect as if its railway had been constructed and completed within the time prescribed by law.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1895.

Chap.136

AN ACT RELATIVE TO THE HEATING OF STREET RAILWAY CARS.

Be it enacted, etc., as follows:

Heating of
street railway
cars.

SECTION 1. The board of railroad commissioners shall require street railway companies to heat such cars when in use by them for the transportation of passengers, at such times, by such means and to such extent, as said board shall determine.

Penalty.

SECTION 2. Every street railway company shall forfeit twenty-five dollars for each trip run by any of its cars not heated as provided in section one, except in case of accident to the heating process or apparatus.

SECTION 3. It shall be the duty of the district police to see that the provisions of the preceding sections are enforced.

Enforcement of provisions.

SECTION 4. This act shall take effect on the first day of November in the year eighteen hundred and ninety-five.

To take effect Nov. 1, 1895.

Approved March 16, 1895.

AN ACT TO AUTHORIZE THE TOWN OF ATTLEBOROUGH TO REFUND
A PORTION OF ITS WATER DEBT.

Chap.137

Be it enacted, etc., as follows :

SECTION 1. The town of Attleborough may, for the purpose of refunding the bonds issued under the authority of chapter ninety-six of the acts of the year eighteen hundred and eighty-four, issue bonds to an amount not exceeding fifty thousand dollars, bearing upon their face the words, Attleborough Water Supply Bonds, 1895. The proceeds of the bonds shall be used only for the purpose of the redemption of bonds outstanding under said act, and if any balance shall remain the same shall be paid into the sinking fund of said town from which said bonds are to be paid at maturity. Said bonds shall bear interest at a rate not exceeding four per cent. per annum and shall be payable on or before the first day of January in the year nineteen hundred and twenty-one.

Attleborough
Water Supply
Bonds, 1895.

SECTION 2. This act shall take effect upon its acceptance by the town of Attleborough.

Approved March 16, 1895.

AN ACT TO PROVIDE FOR OPERATING THE NORTH METROPOLITAN
SYSTEM OF SEWERAGE.

Chap.138

Be it enacted, etc., as follows :

SECTION 1. For the purpose of providing for the cost of the maintenance and operation of the system of sewage disposal for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, Medford and Everett, and the towns of Stoneham, Melrose, Winchester, Arlington and Belmont, known as the north metropolitan system, there shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-six thousand dollars during the year eighteen hundred and ninety-five; this sum to be in addition to the amount provided for by chapter one hundred and thirty-one of the acts of the year eighteen hundred and ninety-four.

Sewage disposal
for certain cities
and towns.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1895.

Chap.139 AN ACT RELATIVE TO THE TRUSTEES OF THE STICKNEY FUND*Be it enacted, etc., as follows:*1894, 306, § 1,
amended.Trustees of the
Stickney Fund.

SECTION 1. Section one of chapter three hundred and six of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting in the seventh line, after the word "Bank", the words: — of Massachusetts, Albert Davis of the town of Whitman, treasurer of the county of Plymouth, Massachusetts, — so as to read as follows:— *Section 1.* John D. Long, president of the Pilgrim Society of Plymouth, Charles B. Stoddard, treasurer of the said Pilgrim Society and president of the Plymouth National Bank, William S. Danforth, secretary of said Pilgrim Society and president of the Plymouth Savings Bank, William S. Morrissey, president of the Old Colony National Bank of Massachusetts, Albert Davis of the town of Whitman, treasurer of the county of Plymouth, Massachusetts, Arthur Lord, chairman of the selectmen of the town of Plymouth, and Benjamin W. Harris, the judge of the court of probate for the county of Plymouth, named as trustees by and under the will of J. Henry Stickney, late of Baltimore in the state of Maryland, deceased, and their successors in the said official positions now held by them respectively, are hereby made a corporation by the name of the Trustees of the Stickney Fund, for the purposes of holding and expending said fund as provided in said will with greater facility and security, and with all the powers and privileges and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force applicable to such corporations, not inconsistent with the provisions of said will.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1895.***Chap.140** AN ACT RELATIVE TO MORTGAGES OF REAL ESTATE BY ADMINISTRATORS.*Be it enacted, etc., as follows:*P.S. 124, § 19,
amended.

SECTION 1. Section nineteen of chapter one hundred and thirty-four of the Public Statutes is hereby amended by inserting in the fourth line, after the word "executor", the word: — administrator, — by striking out in the fifth line, the word "testator", and inserting in place thereof

the word: — deceased, — by striking out in the seventh line, the word “testator”, and inserting in place thereof the word: — deceased, — and by striking out all of the section after the word “mortgage”, in the ninth line, so as to read as follows: — *Section 19.* The probate court having jurisdiction of the estate of a deceased person may on petition and after notice to all persons interested, if upon a hearing it appears to be for the benefit of such estate, authorize an executor, administrator, or administrator with the will annexed, to mortgage any real estate of the deceased for the purpose of paying debts, legacies, or charges of administration, or for the purpose of paying an existing lien or mortgage on the estate of the deceased; or it may authorize such executor or administrator to make an agreement for the extension or renewal of such an existing mortgage.

Executor or administrator may be authorized to mortgage real estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1895.

AN ACT RELATIVE TO THE REMOVAL OF PERSONS AND PROPERTY UNLAWFULLY OCCUPYING THE PREMISES OF THE STATE PRISON, MASSACHUSETTS REFORMATORY AND REFORMATORY PRISON FOR WOMEN.

Chap. 141

Be it enacted, etc., as follows:

SECTION 1. The warden of the state prison, the superintendent of the Massachusetts reformatory, and the superintendent of the reformatory prison for women, are hereby severally authorized to cause to be ejected and to be removed from the premises under their control, without other process of law than is contained in this act, any person and any property unlawfully occupying or upon any portion of said state prison, Massachusetts reformatory or reformatory prison for women, or any portion of any building or land used in connection therewith.

Persons, etc., unlawfully occupying premises of state prison, etc., may be ejected.

SECTION 2. Any person who has suffered damage by the unlawful ejection or removal of person or property from said premises may bring suit, by an action of tort, in the superior court for the county of Suffolk, against the Commonwealth to recover the amount of said damage, within four years from the date of said ejection or removal.

Damages.

SECTION 3. This act shall take effect upon the first day of July in the year eighteen hundred and ninety-five.

To take effect July 1, 1895.

Approved March 19, 1895.

Chap. 142 AN ACT TO AUTHORIZE WOMEN TO HOLD THE OFFICE OF ASSISTANT TOWN OR CITY CLERK.

Be it enacted, etc., as follows:

Not to be deemed ineligible by reason of sex.

SECTION 1. No person shall be deemed ineligible to hold the office of assistant town or city clerk by reason of sex.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1895.

Chap. 143 AN ACT RELATIVE TO ESTIMATES FOR COUNTY TAXES.

Be it enacted, etc., as follows:

Annual estimates for county taxes, etc.

SECTION 1. The county commissioners for each county shall annually prepare estimates of the taxes needed by their several counties for the ensuing year, including the construction and repair of county buildings and their appurtenances. Said estimates shall be made in such form as the controller of county accounts shall direct, and upon blanks to be furnished by him. They shall be recorded by the clerk of the commissioners in a book kept for the purpose, and a copy thereof, signed by the presiding commissioner and attested by the clerk of the commissioners, shall be sent to the controller of county accounts by said clerk on or before the fifteenth day of December. Said commissioners shall also make to said controller at the same time a statement of the amount of the county debt, specifying the length of time which the several obligations have to run and the rates of interest paid thereon, separating the loans made in anticipation of taxes from the permanent loans; also a statement of the amount of taxes due and unpaid at the time of making said estimates. Said controller shall analyze and classify said estimates, as nearly as possible upon a uniform basis, together with the statements of delinquent taxes and of indebtedness, and report the same in print to the general court at the earliest possible date. He shall send a copy of said report to the mayor of each city and the selectmen of each town in the Commonwealth.

Repeal.

SECTION 2. Section twenty-two of chapter twenty-three of the Public Statutes is hereby repealed.

Approved March 19, 1895.

AN ACT REQUIRING SPECIFICATIONS TO BE FURNISHED TO PERSONS *Chap. 144*
EMPLOYED IN COTTON, WORSTED AND WOOLLEN FACTORIES.

Be it enacted, etc., as follows:

SECTION 1. The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended or maximum length or weight of a cut or piece, the count per inch of reed, and the number of picks per inch, and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification. In roving or spinning rooms the number of roving or yarn and the price per hank for each size of machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it.

Specifications, rates of compensation, etc., to be posted in textile factories.

SECTION 2. Any occupier or manager of a textile factory who fails to comply with the provisions of the preceding section shall for the first offence be punished by fine of not less than twenty-five dollars nor more than fifty dollars, and for each subsequent offence by fine of not less than fifty dollars nor more than one hundred dollars.

Penalty.

SECTION 3. The members of the inspection department of the district police force shall enforce the provisions of this act.

Enforcement of provisions.

SECTION 4. All acts inconsistent herewith are hereby repealed.

Repeal.

Approved March 19, 1895.

AN ACT TO REQUIRE THE BOSTON AND MAINE RAILROAD TO DIS-
CONTINUE THE RUNNING OF CERTAIN TRAINS IN THE CITY OF
LOWELL. *Chap. 145*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of eliminating the dangers and inconveniences of the grade crossings of the Lowell and Andover Railroad Company over George, Church, Rogers and Lawrence streets, in the city of Lowell, the Boston and Maine Railroad, lessee of the said Lowell and Andover railroad, is hereby required from and after the

Running of certain trains in Lowell to be discontinued.

first day of October of the current year to discontinue the running of trains over said crossings, except for the transportation of freight to and from the manufacturing corporations in said city and to and from business establishments on the line of said Lowell and Andover railroad.

May construct,
etc., single or
double tracks,
etc.

SECTION 2. The said Boston and Maine Railroad is hereby authorized to locate, construct and maintain single or double tracks from the tracks of said Lowell and Andover railroad, at a point near Concord river bridge southwesterly of the Lowell cemetery, to connect with the tracks of the Lowell and Lawrence railroad, and to use the same for the transportation of freight and passengers to and from the railroads of which it is the lessee: *provided, however*, that the Boston and Maine Railroad shall not substantially diminish the present accommodation for passengers on the line of said Lowell and Andover railroad to and from the city of Lowell, without the approval of the railroad commissioners.

Proviso,

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1895.

Chap. 146 AN ACT RELATIVE TO EXERCISE FOR UNEMPLOYED CONVICTS IN COUNTY PRISONS.

Be it enacted, etc., as follows:

Exercise for
unemployed
prisoners.

SECTION 1. The commissioners of prisons shall make rules from time to time for the several jails and houses of correction to secure for unemployed sentenced prisoners held therein, proper exercise, with the purpose of preventing, as far as practicable, injury to the health of such prisoners from their imprisonment.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1895.

Chap. 147 AN ACT TO CHANGE THE NAME OF THE WYOMA METHODIST EPISCOPAL CHURCH.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Wyoma Methodist Episcopal Church in Lynn is hereby changed to the Broadway Methodist Episcopal Church.

Gifts, bequests,
etc.

SECTION 2. All gifts, grants, bequests and devises heretofore or hereafter made to said corporation by either of said names shall vest in the Broadway Methodist Episcopal Church.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1895.

AN ACT TO INCORPORATE THE CITY OF NORTH ADAMS.

Chap. 148

Be it enacted, etc., as follows:

TITLE 1. MUNICIPAL GOVERNMENT.

SECTION 1. The inhabitants of the town of North Adams shall, in case of the acceptance of this act by the voters of said town as hereinafter provided, continue to be a body politic and corporate, under the name of the City of North Adams; and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now pertaining to and incumbent upon the said town as a municipal corporation.

City of North Adams incorporated.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall, except the affairs of public schools, be vested in an executive department, which shall consist of one officer, to be called the mayor, and in a legislative department which shall consist of a single body, to be called the city council, the members whereof shall be called councilmen. The executive department shall never exercise any legislative power, and the legislative department shall never exercise any executive power, except as herein otherwise provided.

Government to be vested in mayor and city council, etc.

SECTION 3. The territory of said city shall first be divided into seven wards, as hereinafter provided, but said number, upon any subsequent division of said city into new wards, may be increased by an affirmative vote of a majority of the members of the city council, passed previous to and in the year of such division.

Division into wards.

TITLE 2. ELECTIONS AND MEETINGS.

SECTION 4. The municipal election shall take place annually on the third Tuesday of December, and the municipal year shall begin on the first Monday of January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by order of the city council, which shall be in such form, and be served and returned in such manner and at such times, as the city council may by ordinance direct.

Municipal election and municipal year.

SECTION 5. At such municipal election the qualified voters shall give in their votes by ballot in the several wards for mayor and councilmen, and for the members of

Mayor, councilmen, etc., to be elected by ballot, etc.

Mayor, councilmen, etc., to be elected by ballot, etc.

the board of assessors, board of trustees of the public library, and of the school committee then to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected. If it shall appear that there is no choice of mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur subsequently and more than three months previous to the expiration of the municipal year, the city council shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as hereinbefore provided for the election of mayor; and shall be repeated until the election of a mayor is completed. If the full number of members of the city council has not been elected, or if a vacancy in the office of councilman shall occur subsequently and more than six months previous to the expiration of the municipal year, the council may forthwith elect some person or persons to fill the vacancy or vacancies until the next annual municipal election. The board of assessors shall consist of three persons, who shall be elected in the manner provided in section forty-one for the election of trustees of the public library.

Meetings for election of national, state, etc., officers.

SECTION 6. All meetings for the election of national, state, county and district officers shall be called by order of the city council, in the same manner as meetings for municipal elections are called.

Ward meetings may be held in adjacent ward.

SECTION 7. The city council may, when no convenient wardroom for holding the meetings of the citizens of any ward can be had within the territorial limits of such ward, appoint and direct, in the warrant for calling any meeting of the citizens of such ward, that the meeting be held in some convenient place within the limits of any adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

General meetings of qualified voters.

SECTION 8. General meetings of the citizens qualified to vote may from time to time be held according to the right secured to the people by the constitution of this Commonwealth, and all such meetings may, and upon the re-

quest in writing of fifty qualified voters setting forth the purposes thereof, shall be duly called by the city council.

TITLE 3. LEGISLATIVE DEPARTMENT.

SECTION 9. The members of the city council shall consist of twenty-one councilmen at large, who shall be elected by the inhabitants of the city as follows: At the first municipal election held under this act twenty-one members at large of the council shall be elected by the qualified voters of the entire city, seven to serve for the term of three years, seven for the term of two years and seven for the term of one year, beginning with the first Monday in January then next ensuing; and thereafter seven members at large of said city council shall be elected in like manner at each annual municipal election, to serve for the term of three years beginning with the first Monday in January next ensuing, in place of the members at large whose term then expires. At the first municipal election no voter shall vote for more than five of the councilmen to be elected for each term, that is to say, not more than fifteen in the aggregate on one ballot, and the seven having the highest number of votes for each term shall be declared elected. At all municipal elections subsequent to the first election no voter shall vote for more than five of the seven councilmen to be elected at an annual election on one ballot, and the seven having the highest number of votes shall be declared elected. The councilmen shall hold office for three years, except as herein otherwise provided, beginning with the first Monday in January next succeeding their election, and until their successors shall be elected and qualified. A majority of the board shall constitute a quorum for the transaction of business. In case an election is held to fill a vacancy or vacancies in the council a voter may vote for the councilman necessary to fill such vacancies in addition to the number above-provided.

City council,
election, term,
etc.

Quorum, etc.

SECTION 10. The mayor and the councilmen elect shall annually, on the first Monday in January, at ten o'clock in the forenoon, meet and be sworn to the faithful discharge of their duties. The oath shall be administered at their first meeting after the acceptance of this act, by the town clerk, and in subsequent years by the city clerk, or, in his absence, by any justice of the peace, and shall be duly certified on the journal of the city council. In case

Oaths of office
of mayor and
councilmen.

of the absence of the mayor elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him, and at any time thereafter, in like manner, the oath of office may be administered to any member of the council who has been previously absent or has been subsequently elected; and every such oath shall be duly certified as aforesaid.

City council,
organization,
presiding
officers, city
clerk, etc.

SECTION 11. After the oath has been administered to the councilmen present they shall be called to order, at their first organization by the town clerk, and in subsequent years by the city clerk, or in case of the absence of the city clerk, by the oldest senior member present. The council shall then proceed to elect one of their own number president of the council by ballot. If no quorum is present an adjournment shall be taken to a later hour or to the next day, and thereafter the same proceedings shall be had from day to day until a quorum shall be present. If any person receive the votes of a majority of all the members of the council, such person shall be declared chosen president thereof. If on the first day on which a quorum is present no person receives the votes of such majority they shall proceed to ballot until some person receives the votes of such majority, or an adjournment to the succeeding day is taken, and on such succeeding day a plurality of those voting shall be sufficient for an election. No other business shall be in order until a president is chosen. The president shall be sworn by the town or city clerk, as the case may be, or in case of the absence of the clerk, by any justice of the peace. The council shall then proceed to the choice of a city clerk, in the same manner as above-provided for the choice of president. The president may be removed from the presidency of the council and the clerk may be removed from office by the affirmative vote of two thirds of all the members of the council, taken by roll call. The president of the council shall have the same right to vote as any other member thereof.

Special meet-
ings of city
council.

SECTION 12. The mayor may at any time call a special meeting of the city council, by causing written notification thereof, together with a statement of the subjects to be considered thereat, to be deposited in the post office, post-paid, and addressed to the persons to be notified, or left at the usual place of residence of each member of the

council, at least twenty-four hours before the time appointed for such meeting.

SECTION 13. The city council shall determine the rules of its own proceedings and shall be judge of the election returns and qualifications of its own members. In case of the absence of the president the council shall choose a president pro tempore, and a plurality of votes cast shall be sufficient for a choice. The council shall sit with open doors, whether in session as a council or as a committee of the whole, and shall cause a journal of its proceedings to be open to public inspection. The vote of the council upon any question shall be taken by roll call when the same is requested by at least three members. A majority of the members of the council shall be required to constitute a quorum, but a smaller number may adjourn from day to day. The council shall, so far as is not inconsistent with this act, have and exercise all the legislative powers of towns, and have all the powers and be subject to all the liabilities of city councils, and of either branch thereof, under the general laws of the Commonwealth, and it may by ordinance prescribe the manner in which such powers shall be exercised. They shall receive no compensation for their services as members of the city council or any committee thereof.

To determine rules of its proceedings, be judge of election of its members, etc.

Quorum, etc.

SECTION 14. Neither the city council nor any member or committee thereof shall directly or indirectly take part in the employment of labor, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works, buildings or other property, or the care, custody or management of the same, or in the conduct of any of the executive or administrative business of the city, or in the expenditure of public money, except such as may be necessary for the contingent and incidental expenses of the city council, nor in the appointment or removal of any officers, except as herein otherwise provided; but nothing in this section contained shall affect the powers or duties of the council in relation to state aid to disabled soldiers and sailors and to the families of those killed in the civil war.

Not to take part in employment of labor, making of contracts, etc.

SECTION 15. The city council shall in the month of January choose an auditor of accounts, who shall hold office for the term of one year beginning with the first Monday in February next ensuing, and until his successor is chosen and qualified. A majority of the votes of all

Auditor of accounts.

the members of the council taken by roll call shall be necessary for the choice of the auditor of accounts, and he may be removed by the council.

Appropriations,
etc.

SECTION 16. The city council shall appropriate annually in the months of March and April the amount necessary to meet the expenditures of the city for the current municipal year. It shall take care that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody or disbursement of money. It shall as often as once in each year, ten days at least prior to the annual election, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of said city and a schedule of all city property and of the city debt. Any appropriation made by the city council for the erection of a city hall, or for land for a location of such building, shall be subject to ratification by the legal voters of the city voting in their respective precincts at an annual municipal election. The city council may appropriate money from time to time in aid of the North Adams Hospital, and in return for such appropriations the said hospital shall receive persons for the reception of whom the city may erect, establish and maintain a hospital; but such appropriations shall not exceed in any one year a sum amounting to one tenth of one per cent. of the valuation of the city for the preceding year.

Account of
receipts and
expenditures to
be published,
etc.

North Adams
Hospital.

City ordinances,
penalties, etc.

SECTION 17. The city council shall have the power within said city to make and establish ordinances and by-laws, and to affix penalties as herein and by general law provided, without the sanction of any court or justice thereof: *provided, however*, that all laws and regulations now in force in the town of North Adams shall, until they shall expire by their limitation or be revised or repealed by the council, remain in force. Complaint for the breach of any ordinance or by-law may be made by the mayor or any head of a department or by any resident of the city.

Proviso.

Certain votes of
city council to
be approved by
qualified voters.

SECTION 18. No vote of the city council granting or bestowing an exclusive franchise of any description to any person or corporation shall be valid unless the same shall be approved by a vote of the qualified voters of the city, voting at large in their respective precincts at the annual municipal election.

SECTION 19. The city council shall not authorize the erection of a schoolhouse, or of any addition thereto, nor pass any appropriation for such purpose, until plans for the same have been approved by vote of the school committee, and such approval has been certified in writing to the council by the chairman of said committee.

Plans for school-houses to be approved by school committee, etc.

SECTION 20. The city council shall establish a fire department for said city, to consist of a chief and of such officers and members as the city council by ordinance shall from time to time prescribe; and said council shall have authority to define their rank and duties and in general to make such regulations concerning the conduct and government of such department, the management of fires and the conduct of persons attending fires, as they may deem expedient, and may fix such penalties for any violation of such regulations or any of them as are provided for breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor exclusively, who shall have authority to remove from office any officer or member for cause. The chief and officers shall be the firewards of the city.

Fire department.

SECTION 21. The city council shall have power to establish fire limits within the city, and from time to time change or enlarge the same, and by ordinance they may regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the material of which they shall be constructed, together with such other rules and regulations as shall tend to prevent damage by fire: *provided*, that such rules and regulations shall not be inconsistent with the laws of this Commonwealth.

Fire limits may be established, etc.

Proviso.

SECTION 22. The city council shall establish by ordinance a police department, to consist of a chief of police and such officers and men as it may prescribe, and make regulations for the government of the department. The appointment of all the members of such department shall be vested in the mayor exclusively, who shall have power to remove any member for cause.

Police department.

SECTION 23. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew or discontinuing of all streets and ways and highways within the limits of said city, and to assess the damages sustained by any person thereby, and further, except as herein otherwise provided,

Streets, highways, etc.

to act in all matters relating to such laying out, locating anew, altering or discontinuing. Any person aggrieved by the assessment of his damages, or other action of the council under this section, shall have all the rights and privileges now allowed by law in such cases in appeals from decisions of the selectmen of towns.

Majority vote of all members necessary for the passage of certain ordinances, etc.

SECTION 24. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money to an amount which may exceed two hundred dollars, the laying of an assessment or the granting to a person or corporation of any right in, over or under any street or other public ground of said city, the affirmative votes of a majority of all the members of the city council shall be necessary for its passage. Every such ordinance, order, resolution or vote shall be read twice, with an interval of at least three days between the two readings before being finally passed, and the vote upon its final passage shall be taken by roll call: *provided, however*, that upon and after the written recommendation of the mayor, the city council may pass such ordinance, resolution or vote upon the same day, by a two thirds yea and nay vote.

Proviso.

Mayor may be removed from office for official misconduct or neglect of duty.

SECTION 25. At any meeting of the city council it shall be in order for any member thereof to give written notice, seconded in writing by a majority at least of all the members of the council, of his intention to move at the next meeting thereof, occurring within not less than ten days, a resolution that the mayor be removed for official misconduct or neglect of duty. Such notice shall specify as particularly as possible the acts of misconduct or the instances of neglect of duty complained of, shall be entered at large by the clerk in the minutes of the council, and the clerk shall within two days serve a copy upon the mayor and mail a copy to each of the members of the council at his residence. At such next meeting of the council the mayor shall have the right to speak in his own defence and to be heard by counsel. The vote on the resolution shall be by roll call. If the resolution fails to receive the affirmative votes of three fourths of all the members of the council it shall have no effect, and shall not be re-introduced during that meeting of the council. If it receives the affirmative votes of three fourths of all the members of the council it shall, upon the recording of such vote, take effect, and the office of the mayor shall

thereupon become vacant. The council shall thereupon order a warrant for a new election for mayor to be issued, and such further proceedings shall be had as are provided in section five of this act in case of a failure to elect a mayor.

SECTION 26. No member of the city council shall, during the term for which he is elected, hold any other office in or under the city government, have the expenditure of any money appropriated by the council, or act as counsel in any matter before the council or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the council during any municipal year within which he was a councilman, until the expiration of the succeeding municipal year.

Members of council not to hold other city offices, etc.

SECTION 27. Every ordinance, order, resolution or vote of the city council, except such as relates to its own internal affairs, to its own officers or employees, to the election or duties of the auditor of accounts and city clerk, to the removal of the mayor or to the declaration of a vacancy in the office of mayor, shall be presented to the mayor for his approval, and like proceedings shall be had thereon as are in such case provided by the general laws relating to cities.

Certain ordinances, etc., to be approved by mayor.

TITLE 4. EXECUTIVE DEPARTMENT.

SECTION 28. The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several officers and boards of the city in their departments, under his general supervision and control. In case of a vacancy in any office to which appointment is made by the mayor, he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attached thereto. The mayor shall hold office for the municipal year beginning with the first Monday in January following his election unless sooner removed, and until his successor is elected and qualified.

Executive powers vested in mayor, etc.

Term of office.

SECTION 29. The mayor shall have the sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided; and he may, except as herein otherwise provided, remove from office by written order any officer so appointed hereunder, for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of re-

Appointment and removal of municipal officers.

moval. Such office shall become and be vacant upon the filing with the city clerk of such order of removal and the service of a copy thereof upon the officer so removed, either personally or by leaving the same at his last or usual place of residence. The city clerk shall keep such order of removal on file, where it shall be open to public inspection.

By whom duties may be performed in case of disability of mayor.

SECTION 30. Whenever by reason of sickness or other cause the mayor shall be disabled from performing the duties of his office he may designate by a writing filed in the office of the city clerk, either the city treasurer, the city clerk, or the city solicitor, to act as mayor, or in case of the failure of the mayor to make such designation, the above-mentioned officers in the order above-named, then performing the duties of his office, shall act as mayor. Such officer shall during the continuance of such disability have all the rights and powers of mayor, except that he shall not when so acting have the power of removal, unless thereto in any instance authorized by vote of the city council, nor any power of appointment unless such disability of the mayor has continued for a period of thirty days, and then subject to the approval of the city council, nor power to approve or disapprove any ordinance, order, resolution or vote until within twenty-four hours of the time when it would take effect without the approval of the mayor. In case such disability of the mayor continues for a period exceeding sixty days the city council may at any time after the expiration of that period declare a vacancy to exist in the office of mayor.

President of council to act in case of vacancy in office of mayor.

SECTION 31. Whenever there shall be a vacancy in the office of mayor the president of the city council shall act as mayor and possess all the rights and powers of mayor during such vacancy, except that when so acting as mayor he shall not have the power of appointment or removal unless thereto in any instance authorized by vote of the council.

TITLE 5. SCHOOL DEPARTMENT.

School committee, election, term, etc.

SECTION 32. The management and control of the schools of said city shall be vested solely in a school committee, consisting of six members at large, who shall be elected by the inhabitants of the city as follows: At the first municipal election held under this act six members of the school committee shall be elected by the

qualified voters of the entire city, two to serve for the term of three years, two for the term of two years and two for the term of one year, beginning with the first Monday in January then next ensuing; and thereafter two members at large of said school committee shall be elected in like manner at each annual municipal election, to serve for the term of three years beginning with the first Monday in January next ensuing, in place of the members at large whose term then expires. The school committee shall at its first meeting in each municipal year, or as soon thereafter as may be, choose a chairman from among its members by ballot, and the votes of a majority of all the members of the board shall be required in order to elect.

SECTION 33. The school committee shall on the first Monday in June, or as soon thereafter as may be, choose by vote of a majority of its members, but not from their number, a superintendent of schools, who shall be under its direction and control. Such superintendent shall hold office until the first Monday in June next ensuing unless sooner removed, and until his successor is chosen and qualified, and he may be removed at any time by the school committee by vote of a majority of its members. The school committee shall, in case of a vacancy in their number, forthwith notify the city council, and the council shall call a joint convention of the members thereof and of the school committee, and at such convention the vacancy shall, by vote of a majority of all the members of the two bodies, be filled until the end of the municipal year in which the warrant for the next ensuing annual municipal election is issued, and at such election the vacancy shall be filled for the remainder, if any, of the unexpired term, in the same manner as the member whose office is vacant was elected. The school committee shall fix and establish the compensation of all persons employed by them.

Superintendent
of schools,
election, term,
etc.

Vacancy on
school commit-
tee, etc.

TITLE 6. ADMINISTRATIVE OFFICERS.

SECTION 34. There shall be the following administrative officers, who shall be appointed by the mayor and who shall perform the duties by law and hereinafter prescribed for them, respectively, and such further duties not inconsistent with the nature of their respective offices as the city council may prescribe. I. A board of public works, consisting of three persons, who shall also be over-

Administrative
officers, appoint-
ment, duties,
term, etc.

Administrative
officers, appoint-
ment, duties,
term, etc.

Proviso

Oaths of office.

seers of the poor and commissioners of public burial places. II. A city treasurer, who shall also be the collector of taxes. III. A city solicitor. IV. A chief of police. V. A chief of the fire department. VI. A board of health, consisting of three persons. VII. A city engineer, who shall also be inspector of buildings. VIII. A city bookkeeper, who shall also be clerk of the board of public works, and shall keep the accounts of all the departments except as herein otherwise provided. The above-named boards and officers shall be appointed on or before the first Monday in February and shall hold their respective offices for the term of one year beginning with the first Monday in February, unless sooner removed, and until their respective successors, or in case of boards, until a majority of the members thereof, are appointed and qualified: *provided, however*, that the appointment of the chief of police shall not be for any specified time, but shall hold good until his death, resignation or removal by the mayor, who shall have power to remove him for incompetency or cause. They shall be sworn or affirmed to the faithful discharge of the duties of their respective offices, which oath or affirmation, or a certified copy thereof, shall be filed in the office of the city clerk. IX. A board of license commissioners, as prescribed in chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety-four. The board of assessors shall be entitled to choose a clerk, who shall not be one of their own number. The board of public works shall appoint a superintendent of outdoor work, who shall hold no other municipal office, and a superintendent of the water works, neither of whom shall be of their own number, and who shall severally hold their offices for one year unless sooner removed by said board, and until their respective successors are appointed and qualified.

TITLE 7. POWERS AND DUTIES OF OFFICERS.

City clerk,
duties, etc.

SECTION 35. The city clerk shall have charge of all journals, records, papers and documents of the city, attest all warrants and do such other acts in his said capacity as the city council may require of him. He shall be the clerk of the council and shall keep a journal of all votes and proceedings. He shall engross all the ordinances passed by the city council, in a book provided for that purpose, and shall add proper indexes, which book

shall be deemed a public record of such ordinances. He shall perform such other duties as are required by law or shall be prescribed by the council. In case of the temporary absence of the city clerk the president of the council may appoint a clerk pro tempore, who shall be duly qualified.

Clerk pro tempore.

SECTION 36. The auditor shall have charge of all revenue and expenditure accounts of the city and shall keep a set of books showing in detail the revenues and expenditures of the city. He shall examine all pay rolls, bills or demands rendered against the city, and all orders or votes of the city council for the payment of money, shall see that they have been incurred with due authority, that they are properly approved by some person authorized thereto, and that the clerical computations are correct. He shall see that vouchers are prepared in proper form, and that the same are duly recorded and distributed to their proper account. If he approves of a bill, pay roll or demand, he shall endorse it with his certificate of approval and shall cause an abstract of the same to be entered on a book kept for that purpose, and shall pass it to the treasurer for payment. He shall perform such other duties as from time to time shall be assigned him by the city council. In case of the disability or absence of the auditor the president of the council shall appoint an auditor, pro tempore, who shall be duly qualified.

Auditor, duties, etc.

Auditor pro tempore.

SECTION 37. The board of public works shall exercise the powers and be subject to the duties prescribed for boards of overseers of the poor by the laws of the Commonwealth. The board of public works shall have cognizance, direction and control: — (a) Of the construction, alteration, repair, care and lighting of streets, ways and sidewalks. (b) Of the construction, alteration, repair and care of public buildings; except that the care, construction, alteration and repair of all school buildings shall remain under the control of the school committee. (c) Of the construction, alteration, repair and care of public sewers and drains. (d) Of the construction, alteration, repair, care and maintenance of public bridges. (e) Of the laying out and caring for public burial places and public parks, and of all work in or upon the same. (f) Of the construction, extension, alteration and repair of the public water works. (g) Of the care, superin-

Board of public works, powers, duties, etc.

tendence and management of the public grounds belonging to said city, except such grounds as are under the control of the school committee, and of the shade and ornamental trees standing and growing therein. (h) Of the supervision of fire alarm, electric light, power, telephone, telegraph and trolley wires, and electric light, telegraph and telephone poles and gas pipes. The said board may require that no person or corporation authorized by the city council to dig up any public street or sidewalk in said city shall begin such digging before furnishing to such board of public works security satisfactory to them to restore such street or sidewalk to its former condition. The said board shall also, except as herein otherwise provided, have exclusively the powers and be subject to the duties, liabilities and penalties which may be by law given to or imposed upon road commissioners of towns. They shall as overseers of the poor appoint a city physician.

To have powers,
etc., of road
commissioners

To appoint a
city physician.

City treasurer,
duties, etc.

SECTION 38. The city treasurer shall collect all the water rents and charges and all moneys due the city, and shall receive, have the custody of and pay out all moneys, upon the certificate of the auditor, and cause an accurate account of the same to be kept in proper bookkeeping form, or such form as the city council may prescribe. He shall make to the council annually or oftener, at such time or times in each year as it shall prescribe, a full and detailed statement of the receipts and expenditures of the city during such portion of the financial year as it may direct, and of the cash balance or surplus; and in every such statement the different sources of the city revenue and the amount received from each, the several appropriations made, the object for which they were made and the amount of moneys expended under each, the money borrowed on the credit of the city, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified. He shall cause to be reported weekly to the auditor a statement of all the receipts and disbursements in order that the proper entries may be made in the books kept by the auditor. No person who is a bank official or employee shall be eligible to the office of treasurer.

Certain persons
ineligible.

City solicitor,
duties, etc.

SECTION 39. The city solicitor shall for the salary herein provided perform all legal services in matters in which the city is interested, and attend to all proceedings at law or in equity in which the city is a party, and all

claims made to the council. For these purposes he shall have sole charge of all such matters and proceedings. He shall give in writing his legal opinion upon any of the municipal affairs of the city upon the request of the mayor or council, and in addition give his opinion upon the law relating to the municipal affairs in any department, upon request made by the head of such department.

SECTION 40. The city engineer shall give his whole time to the city and shall have sole charge and control of and shall attend to all the engineering work of the city. He shall, at the request of the board of public works, prepare plans and estimates of any proposed alterations in or construction of public sewers and drains and conduits, streets, sidewalks, water works and other public works. He shall assist the city solicitor as far as possible in defending the city against suits and claims brought against it for damages sustained by reason of any defect or want of repair in any public way, or for any cause whatever. He shall perform such other duties as the city council may prescribe, not inconsistent herewith. As inspector of public buildings he shall have control of the enforcement of the regulations regarding plumbing and shall perform such other duties as shall be from time to time prescribed by law and the ordinances of the city council.

City engineer,
duties, etc.

SECTION 41. The trustees of the public library shall consist of three members at large who shall be elected by the inhabitants of the city as follows: At the first municipal election held under this act one trustee shall be elected to serve for the term of three years, one for the term of two years and one for the term of one year, beginning with the first Monday in January then next ensuing, and thereafter one trustee at large shall be elected in like manner at each annual municipal election, to serve for the term of three years beginning with the first Monday in January next ensuing, in place of the trustee at large whose term then expires. The trustees of the public library shall have the care and management of the public library.

Trustees of
public library,
election, term,
etc.

SECTION 42. The auditor shall also be the city almoner, and shall keep a record of the settlements of all paupers or persons who are or may become a city charge, and shall, under the direction of and by the authority of the overseers of the poor, relieve the wants of such paupers outside the almshouse as may be necessary and proper. He shall, as aforesaid, see that paupers who are chargeable to

Auditor to be
city almoner,
etc.

other cities and towns are maintained by such cities and towns at their own expense and that the city shall be reimbursed for outlays made for the paupers chargeable to the Commonwealth or other cities or towns. He shall, under the direction of the overseers of the poor, report all cases needing legal attention, to the city solicitor, and shall furnish him with all the information possible in controversies arising over pauper settlements or otherwise. He shall perform such other duties as the overseers of the poor may from time to time direct.

Duties of certain city officers.

SECTION 43. All city officers not hereinbefore mentioned shall perform such duties as are or may be from time to time prescribed by law, and such other duties, not inconsistent herewith or with general laws, as the council may from time to time prescribe.

Administrative boards, etc., may appoint and discharge subordinates, etc.

SECTION 44. The administrative officers and boards above-named in this title, and all administrative officers and boards hereafter established by the city council and not coming within the department of any officer or board so above-named, shall have the power, except as herein otherwise provided, to appoint or employ and to remove or discharge, all officers, clerks and employees in their respective departments. Such appointments shall not be for any specified term but shall hold good until removal or discharge. Orders of removal shall state the reason thereof and shall be entered upon the records of the officer or board making the same, and removals shall take effect upon the filing of a copy of such order with the city clerk in a book provided for the purpose and open to public inspection. The above-named administrative officers and boards shall, in their respective departments, make all necessary contracts for work and for the furnishing of materials and supplies for the city, and for the construction, alteration, repair and care of public works, institutions, buildings and other property; except such property as shall be under the control of the school committee, and shall have, subject to the mayor, the direction and control of all the executive and administrative business of the city. They shall at all times be accountable to the mayor, as the chief executive officer, for the discharge of their duties.

Contracts for supplies, etc.

To be accountable at all times to the mayor.

Record of official transactions to be kept.

SECTION 45. Every board, and every officer above-named not a member of a board, shall keep a record of all official transactions, and such record shall be open to public inspection.

TITLE 8. GENERAL PROVISIONS.

SECTION 46. The following salaries shall be paid, viz. : Salaries, etc.
 —Mayor, one thousand dollars each year. City clerk, thirteen hundred dollars each year. Tax collector and treasurer, two thousand dollars each year. City solicitor, nine hundred dollars each year. Members of the school committee, seventy-five dollars each, each year. Members of the board of assessors, four hundred dollars each, each year. Clerk of board of assessors, one hundred and fifty dollars each year. City physician, two hundred and fifty dollars each year. Members of the board of health, one hundred dollars each, each year. Chief of the fire department, three hundred dollars each year. Assistant chiefs of the fire department, one hundred dollars each, each year. Superintendent of the water works, twelve hundred dollars each year. City engineer and inspector of plumbing, eighteen hundred dollars each year. Chief of police and keeper of lockup, three dollars and a half each day. Captain of police, three dollars each day. Keeper of the almshouse, seven hundred and fifty dollars each year. Members of board of public works, five hundred dollars each, each year. Clerk of the board of public works, nine hundred dollars each year. Superintendent of out-door work, twelve hundred dollars each year. Auditor, one thousand dollars each year. Members of the police force, two dollars and a half each day. Firemen, hose and hook-and-ladder men, sixty-five dollars each, each year. The compensation of all persons not employed by boards or heads of departments and not herein provided for shall be established by the city council, but no new salaried office shall be established except those required by law, nor any increase of salaries made, unless approved by a vote of the citizens at large in their respective precincts at an annual election.

SECTION 47. No person shall be eligible to any of the offices of the city government, except superintendent of schools, chief of police, chief of the fire department, or city engineer, unless he is a citizen and has been a resident of the city for at least two years. Non-residents not eligible to certain offices, etc.

SECTION 48. Any office established under or by this act shall become vacant if the incumbent ceases to be a resident of the city. The conviction of the incumbent of any such office of a crime punishable by imprisonment shall operate to create a vacancy in the office held by him. Offices to become vacant for certain causes.

1885, 312, etc.,
not to apply
until Jan. 1,
1900.

SECTION 49. The provisions of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five and acts in amendment thereof and in addition thereto shall not apply to the city of North Adams until the first day of January in the year nineteen hundred.

To submit
estimate of
expenses for
ensuing financial
year, etc.

SECTION 50. The administrative officers and boards above-named shall, annually on or before the first Monday of January, furnish to the mayor an itemized and detailed estimate of the moneys required for their respective departments or offices during the ensuing financial year. The mayor, president of the council and chairman of the board of assessors, shall examine such estimates and shall submit the same to the city council on or before the first day of March, with their itemized and detailed apportionment, which shall be the appropriations which the several departments and officers may expend during the current municipal year, but said city council at any time prior to May first, of each year, may, subject to the approval of the mayor as provided by law, strike out or decrease, but not increase, any item in said report.

Officers to give
certain informa-
tion upon
request.

SECTION 51. Every officer of the city shall, at the request of the city council, give it such information in writing as it may require in relation to any matter, act or thing connected with his office or employment or the discharge of the duties thereof.

Appropriations
and expendi-
tures.

SECTION 52. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made, nor liability incurred, by or in behalf of the city, until an appropriation has been duly voted by the city council sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriation, except in accordance with the written recommendation of the mayor to the city council, approved by the ye and nay vote of two thirds of the council: *provided, however,* that, after the expiration of the financial year and until the passage of the annual appropriations, liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one third of the total of such appropriation for the preceding year. Every bill, pay roll or other voucher covering an expenditure of money shall be approved by the signatures, on the back of such bill or voucher, of the majority of the board or committee having control of or incurring such expenditure,

Proviso.

and after such approval such bills, pay rolls or vouchers shall be turned over to the auditor. The financial year shall begin with the first day of December in each year. Financial year.

SECTION 53. Nothing herein contained shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being "An act to improve the civil service of the Commonwealth and the cities thereof", and acts in amendment thereof and in addition thereto, or of the rules made by the commissioners appointed thereunder; and the city council shall make sufficient and proper appropriations for the carrying out and enforcement of said acts and such rules in said city. Civil service.

SECTION 54. Whenever mechanical or other work is required to be done, or supplies are required for the city, at a cost amounting to five hundred dollars or more, the board or committee having the matter in charge shall invite proposals therefor by advertisements in not more than two newspapers published in said city, such advertisements to state the time and place for opening the proposals in answer to said advertisements, and reserving the right to said board or committee to reject any or all proposals. Every proposal for doing such work or making such sale shall be accompanied by a suitable bond, or certificate of deposit, for the faithful performance of such proposal, and all such proposals shall be kept by the officer or board inviting the same, and shall be open to public inspection after said proposals have been accepted or rejected. Proposals for supplies, etc.

SECTION 55. All contracts made by any department of the city shall, when the amount involved is five hundred dollars or more, be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor is affixed thereto. All such contracts shall be accompanied by a bond with securities satisfactory to the board or committee having the matter in charge, or a deposit of money or other security for the faithful performance of such contracts; and such bonds or other security shall be deposited with the city auditor until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his or their bond, and the officer or board making the contract, with the approval of the mayor affixed thereto. Certain contracts to be approved by mayor, etc.

Loans, bonds,
notes, etc.

SECTION 56. No loan except such as may be incurred in anticipation of taxes shall be made except upon and after the written recommendation of the mayor, made to the council and passed by a two thirds yea and nay vote. All bonds and notes issued by the city shall be signed by the treasurer and countersigned by the mayor, and any coupons attached thereto shall bear the signature of the treasurer either in the original or a facsimile.

Board of public
works to estab-
lish prices, etc.,
for use of water.

SECTION 57. The board of public works shall fix and establish the prices or rents for the use of water, which shall not be made less in any instance than the prices and rents now established by the prudential committee of the North Adams Fire District, until the bonded indebtedness now or hereafter created by said district or city for the purpose of supplying the inhabitants of said district or city with pure water shall have been paid; and the income received therefrom, in each year, after deducting all expenses and charges of distribution of such year, shall be applied as follows: First, to the payment of the interest on the debts and loans now or hereafter incurred by the said city and by the North Adams Fire District for the purpose of supplying said city and said district and the inhabitants thereof with water, and of such part of the principal sum thereof as shall become due in such year; second, after paying such interest and principal sums the residue of such income shall be used to supply the city and the inhabitants thereof with pure water in the discretion of said board, and any balance of such residue not so used shall be paid into the treasury of the city for general city purposes. As long as there shall be any debts of the city that shall have been incurred in supplying said district or said city, or the inhabitants of either, with water, there shall be raised each year by taxation a sum which together with the said income shall be sufficient to pay the interest on all such debts, and such part of the principal sum as shall become due in such year.

Income to be
applied to pay-
ment of loans,
etc.

Debts, etc., in
excess of income
to be raised by
taxation.

Division of
territory into
wards, etc.

SECTION 58. Upon an acceptance of this act, as herein provided, the selectmen of said town shall forthwith divide the territory thereof into seven wards, so that the wards shall contain as nearly as may be consistent with well defined limits to each, an equal number of voters, and they shall designate the wards by numbers. They shall, for the purpose of the first municipal election to be held thereunder, which shall take place on the third Tuesday

of December next succeeding such acceptance, provide suitable polling places in the several wards and give notice thereof, and shall at least ten days previous to such third Tuesday in December appoint all proper election officers therefor, and they shall in general have the powers and perform the duties of the mayor and board of aldermen of cities, under chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto, the provisions of which shall so far as applicable apply to said election; and the town clerk shall perform the duties therein assigned to city clerks. The registrars shall cause to be prepared and published according to law, lists of qualified voters in each of the wards established by the selectmen.

Division of territory into wards, etc.

SECTION 59. All laws relating to the town of North Adams when this act shall be accepted as herein provided, shall, until altered, amended or repealed, continue in force in the city of North Adams, so far as the same are not inconsistent herewith.

Certain laws to continue in force.

SECTION 60. All special laws heretofore passed concerning the fire district in the town of North Adams, which shall be in force in said fire district when this act shall be accepted, as herein provided, shall, so far as the same are not inconsistent herewith, be extended to and continue in force in the city of North Adams until altered, amended or repealed.

Certain special laws to continue in force.

SECTION 61. Upon the first day of January next after the acceptance of this act, as herein provided, the North Adams Fire District in said town shall cease to exist, and all the property, powers and privileges of the said district shall vest in the city of North Adams, and all the debts, duties and liabilities of the said fire district shall become the debts, duties and liabilities of the said city.

Property, etc., of fire district to vest in city.

SECTION 62. The passage of this act shall not affect any right accruing or accrued, or any suit, prosecution or other legal proceeding pending at the time when this act shall go into operation, and no penalty for forfeiture previously incurred shall be affected thereby. All persons holding office in said town or in the fire district of said town at the time this act shall take effect shall continue to hold the same, notwithstanding the passage thereof, until the organization of the city government hereby

Pending legal proceedings not affected, etc.

authorized shall be effected, and until the successors of such officers shall be respectively elected or appointed and qualified.

Selectmen to
notify persons
first elected, etc.

SECTION 63. The selectmen shall notify the persons elected at such first election, and shall provide and appoint a place for the first meeting of the mayor and city council on the first Monday in January next ensuing; and shall by written notices left at their respective places of residence at least twenty-four hours prior to such meeting notify thereof the mayor elect and councilmen elect, who shall immediately proceed to organize and carry into effect the provisions of this act, which shall then have full force and effect. The selectmen shall, in like manner, appoint a place and time for the first meeting of the school committee, and notify the members thereof. Nothing herein shall affect the annual meeting in said town for the election of national, state, district and county officers, which may be held next after the acceptance thereof.

Meetings for
submission of
question of
acceptance.

SECTION 64. The question of the acceptance of this act may be submitted to the legal voters of said town at any time within two years after the passage thereof at an annual meeting or any meeting called for that purpose, except in the months of November and December. At such meeting the polls shall be open not less than eight hours, and the vote shall be taken by ballot in accordance with the provisions of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto, so far as the same shall be applicable, in answer to the question: — “ Shall an act passed by the general court in the year eighteen hundred and ninety-five, entitled ‘ an act to incorporate the city of North Adams ’, be accepted? ” and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If at any meeting so held this act shall fail to be thus accepted, it may, at the expiration of three months from any such previous meeting, be again thus submitted, but not after the period of two years from the passage thereof.

When to take
effect.

SECTION 65. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said town shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town as herein provided.

Approved March 22, 1895.

AN ACT TO AUTHORIZE THE NORTH ADAMS FIRE DISTRICT TO ISSUE BONDS FOR THE REFUNDING OF ITS NOTES AND THE EXTENSION OF ITS WATER SERVICE.

Chap. 149

Be it enacted, etc., as follows:

SECTION 1. The North Adams Fire District, upon the acceptance of this act as hereinafter provided, may, for the purpose of refunding any or all of its notes now outstanding, and for the purpose of extending and enlarging its water works by building additional reservoirs or otherwise, and repairing the same, and generally for the purpose of supplying the district and the inhabitants thereof with water, issue from time to time bonds, notes or scrip to an amount not exceeding two hundred and fifty thousand dollars in addition to all amounts heretofore authorized. Such bonds, notes and scrip shall bear on their face the words, North Adams Fire District Water Loan, Act of 1895, shall be payable at the expiration of periods not exceeding forty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer of the fire district and countersigned by the chairman of the prudential committee of said fire district. The said fire district may authorize the treasurer of the district to sell such securities at public or private sale, at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as said district may deem proper.

North Adams
Fire District
Water Loan, Act
of 1895.

SECTION 2. The said fire district shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. Said fire district instead of establishing a sinking fund may provide for the payment of such bonds, notes and scrip in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act. The income from the water rates not applicable to the payment of other debts of the district shall be applied to the payment of the principal and interest of such bonds, notes and scrip, and the fire district shall raise by taxation such sums as shall be necessary in addition thereto to pay the said principal and interest sums as they shall become due.

Payment of
loan, etc.

Town may
guarantee pay-
ment of bonds,
etc.

SECTION 3. The town of North Adams may, by a vote of two thirds of the voters present and voting at a legal town meeting called for the purpose, guarantee the payment of the principal and interest of all or part of the said bonds, notes and scrip, and said bonds, notes and scrip shall be countersigned by the treasurer of the town.

When to take
effect.

SECTION 4. This act shall take effect upon its acceptance by a two thirds vote of the legal voters of said fire district present and voting thereon at a legal meeting called for that purpose: *provided*, that no more than three such meetings shall be called in any one year.

Proviso.

Approved March 22, 1895.

Chap.150

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF ERECTING A PUBLIC LIBRARY BUILDING.

Be it enacted, etc., as follows:

May incur
indebtedness,
issue bonds, etc.

SECTION 1. The city of Fall River, for the purpose of enabling the board of trustees of the public library of said city to erect a public library building in said city, the same to contain accommodations for the offices of the school department, may incur indebtedness and may authorize the city treasurer of said city to issue from time to time, as the said board of trustees shall request and the mayor of said city approve, bonds, notes or scrip to an amount not exceeding one hundred and fifty thousand dollars. Such bonds shall be payable in thirty years from their date of issue and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually, and fixed by the said treasurer with the approval of the mayor.

May take lands,
etc.

SECTION 2. Said board of trustees may, for the purpose of securing a suitable site for said library building, at any time within three years after the passage of this act take and hold by purchase or otherwise any part of the lands or buildings thereon in the city of Fall River. Said board shall within sixty days after taking any lands or buildings as herein provided, otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county and district in which said land and buildings are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which description and statement shall be signed by the mayor;

Description of
lands, etc., to be
recorded.

and said city shall also cause a copy of such description and statement to be published three weeks successively in some newspaper printed in said Fall River, and to be sent by mail to the last known address of the owner of record of the lands so taken.

SECTION 3. Said city shall be liable to pay all damages Damages. sustained in property by any person or corporation by reason of the taking of any land, right or easement under the authority of this act. If any one sustaining damage as aforesaid does not agree with said city upon the amount of said damage he may, within two years from the filing of the description and statement mentioned in section two, apply by petition for an assessment of damage to the superior court for the county of Bristol, and upon the filing of such petition the clerk of said court shall issue a summons to said city, returnable at the next return day after the expiration of thirty days from the filing of the petition. The summons shall be served fourteen days at least before the day on which it is returnable, by leaving a copy thereof and of the petition certified by the officer who served the same, with the clerk of said city; and the court shall, after notice and hearing, appoint three disinterested persons who shall, after reasonable notice and hearing, assess the damages, if any, which such petitioner may have sustained as aforesaid, and the award of the persons so appointed or a major part of them being returned into and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party with costs, unless one of the parties claims a trial by jury as hereinafter provided.

SECTION 4. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damages awarded as therein provided for, such party may, at the sitting of the court at which said award was accepted or the next sitting thereafter, claim in writing a trial in said court, and thereupon all questions of fact relating to such damages shall be heard and determined and the amount of damages assessed by a jury at the bar of said court; and the verdict of the jury being accepted and recorded by the court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively in the same manner as is provided by law in regard to proceedings relative to the laying out of highways.

Parties dissatisfied may have trial by jury.

City may tender
a specified sum,
etc.

SECTION 5. In every case of a petition to the superior court for an assessment of damages as provided in this act the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court or offer of judgment and not afterwards, unless the amount recovered by him in such action exceeds the amount so tendered. And said city shall be entitled to recover its costs afterwards unless the petitioner recovers an amount in excess of the amount so offered or tendered.

Trustees to
control con-
struction, etc.,
of library build-
ing.

SECTION 6. The said board of trustees shall have full power and control of the design, construction and erection of the public library building to be erected in said city, and are hereby fully authorized and empowered to select and employ an architect or architects to design said building and supervise the construction and erection thereof, and a superintendent or superintendents to take charge of and approve the work; but work upon said building shall not be commenced until full general plans for the building shall have been prepared, and no specific work shall be commenced until the same shall have been duly advertised, proposals for doing such work shall have been received from responsible parties, and contracts shall have been entered into with satisfactory guarantees for their performance.

Not to be
considered in
determining
debt limit.

SECTION 7. The debt and loan authorized by this act and the notes, bonds or scrip which may be issued therefor shall not be considered or reckoned in determining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof or in addition thereto.

P. S. 29 to
apply.

SECTION 8. The provisions of chapter twenty-nine of the Public Statutes in regard to the establishment and maintenance of a sinking fund shall apply to the loans authorized by this act.

SECTION 9. This act shall take effect upon its passage.

Approved March 22, 1895.

AN ACT TO AUTHORIZE THE TOWN OF CONCORD TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE. Chap. 151

Be it enacted, etc., as follows:

SECTION 1. The town of Concord may lay out, construct and maintain a system of sewerage and sewage disposal for said town; may take by purchase or otherwise any lands, water rights, rights of way or easements in said town deemed necessary for the establishment of such system of sewerage and sewage disposal and for connections therewith; may establish an annual charge for the privilege of connecting therewith; and may order any or all persons or corporations to dispose of their sewage in said town by connection with such system; and any person or corporation neglecting to comply with such order shall be liable to a fine not exceeding twenty dollars for each week's continuance of such neglect.

May take lands, etc., for sewerage purposes.

SECTION 2. No act shall be done under authority of the preceding section until said system and the location of any lands to be taken for the purpose of sewage disposal shall have been approved by the state board of health.

System, etc., to be approved by state board of health.

SECTION 3. Said town may, for the purposes of this act, carry its sewers, drains, pipes and conduits under and along any street, railroad, highway or other way, in such a manner as not to unnecessarily obstruct the same, and do any other thing necessary and proper for said purposes.

May carry sewers, etc., under streets, etc.

SECTION 4. Said town when it takes any lands, water rights, rights of way, easements or other real estate under the authority of this act, in any manner other than by purchase, shall cause to be recorded in the registry of deeds for the county and district in which the same are situated a description of the same as certain as is required in a common conveyance of land, with a statement of the purposes for which the same are taken; and upon such recording the title to the lands, water rights, rights of way, easements and other real estate so described shall vest in the said town.

Description of lands, etc., to be recorded.

SECTION 5. Said town shall pay all damages sustained by any person or corporation in property by reason of such taking, and if such person or corporation fail to agree with the town as to the amount of damages sustained such damages shall be assessed and determined by a jury of the superior court, in the manner provided by law

Damages.

when land is taken for the laying out of highways, on petition therefor by such person, corporation or town, filed in the office of the clerk of said court for the county of Middlesex, at any time within the period of two years from the taking of such land or other property.

Town may offer
a specified sum.

SECTION 6. In every case of a petition for the assessment of damages by a jury as aforesaid the said town may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the sum so offered within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the sum so offered, and interest thereon to the time of the verdict, the said town shall be entitled to recover its costs from the date of the offer; and the complainant if he recover damages shall be allowed his costs only to the date of said offer.

May incur
indebtedness
beyond debt
limit, issue
bonds, etc.

SECTION 7. Said town of Concord, to carry out the provisions of this act, is hereby authorized to raise and appropriate in such manner as it shall determine such sum or sums of money as shall be required therefor, provided the aggregate indebtedness incurred shall not exceed fifty thousand dollars beyond the limit of indebtedness fixed by law for said town; and for money borrowed said town may issue from time to time negotiable bonds, notes or scrip, payable at the expiration of periods not exceeding thirty years from the date of issue and bearing such rate of interest not exceeding five per cent. per annum as said town may determine. The said town may sell such securities at public or private sale, or pledge the same for not less than their par value for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper; may establish a sinking fund for the repayment of such bonds, notes or scrip, which sinking fund shall be held and managed by the trustees of town donations of said town, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and said town shall annually raise by taxation, or as provided in section ten of this act, or both, the amounts required to meet such interest, sinking fund requirements, as determined by vote of said town from time to time, and portion of the principal payable annually. The sinking funds of any loans of said town may be invested in said bonds, notes or scrip.

Sinking fund.

SECTION 8. The commissioners of prisons shall, at the expense of the Commonwealth, connect the sewers and sewerage system of the Massachusetts reformatory and other property of the Commonwealth in the said town of Concord with the main sewer of said town, whenever such main sewer shall be laid by the town to Concord Junction and connected with the system of sewage disposal established by the town, paying for such privilege such part of the cost of construction of said system and such part or percentage of the annual expense of maintaining and operating the same as may be agreed upon between the said town and said Commonwealth through its board of prison commissioners; and in case said town and commissioners shall be unable to agree then such compensations to be so paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either said town or said board of prison commissioners and notice to the other of said parties, whose award when accepted by said court shall be final and binding upon said town and Commonwealth.

Sewers of Massachusetts reformatory, etc., to be connected with main sewer.

SECTION 9. Said town of Concord shall elect by ballot a board of sewer commissioners, to consist of three persons, who shall hold office for one year, two years and three years, respectively, from the date of the meeting at which they are elected if the same is an annual meeting, and if they are elected at a special meeting they shall hold office for one, two and three years, respectively, from the annual meeting next following their election, and in either case until their successors are chosen; and at each annual town meeting thereafter said town shall elect one member of said board to serve for three years or until his successor is elected. If a vacancy shall occur in said board said town may at any meeting called for the purpose elect a person to fill said vacancy. After the town has voted to construct a system of sewerage under this act the said board shall have, execute and perform all the rights, powers and privileges hereby granted, subject to the vote of said town, and shall have all the powers and be subject to all the duties, liabilities and penalties which are conferred or imposed upon sewer commissioners by the provisions of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety-three.

Sewer commissioners, election, term, etc.

Vacancy, etc.

SECTION 10. Said town of Concord may meet the whole or any part of the cost and expenses of construct-

Expenses of constructing and maintaining sewers, etc.

Expenses of
constructing and
maintaining
sewers, etc.

ing, maintaining and operating said system of sewerage and sewage disposal by assessments to be made upon persons and estates, in any manner provided in chapter fifty of the Public Statutes and acts in amendment thereof or addition thereto, in which case, all the provisions of said chapter and acts, so far as applicable, shall apply to any assessments made under authority of this act; or by applying and appropriating thereto by vote of said town any part of the excess of the surplus revenues of the water works of said town above the annual interest on the water debt, the charges of operating and maintaining said works, the minimum annual contributions required by law to be made to the sinking fund thereof, and such further annual contributions thereto as shall be required by the trustees of town donations for the purpose of providing for the payment at maturity of all existing obligations comprising said water debt; and the said town is hereby released from the obligation imposed in section seven of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, requiring the whole of the surplus net income and receipts of its said water works to be applied solely to the payment of the principal of the bonds issued thereon, so far as is hereinbefore provided, and no further.

When to take
effect.

SECTION 11. This act shall take effect upon its passage, and shall become void unless it is accepted by a vote of said town of Concord at a legal meeting held for the purpose within three years, but such acceptance shall not oblige the town to lay out or construct any system of sewerage.

Approved March 22, 1895.

Chap. 152

AN ACT TO INCORPORATE THE DEWING MEMORIAL.

Be it enacted, etc., as follows:

Dewing
Memorial
incorporated.

SECTION 1. Joseph P. Bixby, Benjamin F. Dewing and Edwin B. Hooper, trustees under the will of Mary W. Dewing, late of the town of Revere, which will was allowed by the probate court in the county of Suffolk on the twenty-second day of September in the year eighteen hundred and ninety-two, and their successors, are hereby made a corporation by the name of Dewing Memorial, for the charitable purposes hereinafter specified; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relative to such corporations, so far as the same may be applicable.

SECTION 2. Said corporation shall have authority to hold in trust and administer, according to the provisions of said will, the estate therein given to said trustees, and may take and hold by devise, bequest, grant or gift, other personal or real estate, to be devoted to religious, educational or other charitable purposes, not exceeding in all the amount of one hundred thousand dollars; and the property of said corporation so held and used shall be exempt from taxation to the same extent as the property of charitable institutions.

May take and hold certain real and personal estate, etc.

SECTION 3. The members of said corporation may increase their number to five, and shall have power to fill any vacancies caused in their membership by death, resignation or otherwise.

Membership.

SECTION 4. This act shall take effect upon its passage.

Approved March 22, 1895.

AN ACT TO EXTEND THE TIME FOR FILING EXCEPTIONS IN THE SUPREME JUDICIAL AND SUPERIOR COURTS.

Chap. 153

Be it enacted, etc., as follows:

SECTION 1. Parties alleging exceptions under the provisions of section eight of chapter one hundred and fifty-three of the Public Statutes shall, in criminal cases, file the same with the clerk within three days, and in civil cases within twenty days, after the verdict in the case, or after the opinion, ruling, direction or judgment excepted to is given, unless further time is allowed by the court.

Time for filing exceptions in supreme judicial and superior courts.

SECTION 2. The presiding justice shall have the right to order the excepting party in civil cases to furnish to the court a transcript of the evidence, or such part thereof as the presiding justice shall designate, written out by the official stenographer from his notes, within such time as the justice shall order, not less than ten days from the date of the order, and if the excepting party shall neglect to furnish the same within said time or such extension thereof as the court may allow the court in which the exceptions were taken may, upon application of the adverse party and upon due notice to all parties interested, order the exceptions taken dismissed, and the opinion, ruling or order excepted to, affirmed in the manner provided in chapter ninety-four of the acts of the year eighteen hundred and eighty-eight.

Transcript of evidence may be ordered in civil cases.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1895.

- Chap.154** AN ACT TO AUTHORIZE THE SPRINGFIELD GAS LIGHT COMPANY TO HOLD REAL ESTATE AND TO LAY PIPES AND FURNISH GAS IN THE TOWN OF WEST SPRINGFIELD.

Be it enacted, etc., as follows:

May hold real estate, lay pipes, etc., in West Springfield.

SECTION 1. The Springfield Gas Light Company is hereby authorized to hold real estate, to extend its mains and lay pipes, in the town of West Springfield, and to furnish or to manufacture and sell gas in said town for lighting, heating, cooking, power and other uses for which such gas is manufactured, subject to all the restrictions, limitations and provisions of the general laws controlling gas companies.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1895.

- Chap.155** AN ACT TO AUTHORIZE THE BOSTON FATHERLESS AND WIDOWS' SOCIETY TO HOLD ADDITIONAL PROPERTY.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Boston Fatherless and Widows' Society may hold, for the purposes of such society, real and personal estate to an amount not exceeding in all one hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1895.

- Chap.156** AN ACT TO AUTHORIZE THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal property.

SECTION 1. The New England Hospital for Women and Children is hereby authorized to hold real and personal property not exceeding one million dollars in value, instead of the amounts of real estate and personal property authorized by its act of incorporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1895.

- Chap.157** AN ACT RELATIVE TO THE LIABILITIES OF OFFICERS AND STOCK-HOLDERS OF FOREIGN CORPORATIONS DOING BUSINESS IN THIS COMMONWEALTH.

Be it enacted, etc., as follows:

1884, c. 330, § 3, amended.

Section three of chapter three hundred and thirty of the acts of the year eighteen hundred and eighty-four is

hereby amended by adding at the end thereof the following words : — The provisions of the Public Statutes in so far as they impose penalties and liabilities, and the enforcement of the same, upon officers and stockholders of domestic corporations for false and fraudulent statements and returns, shall apply to the officers and stockholders of foreign corporations doing business in this Commonwealth and subject to the provisions of this act, — so as to read as follows : — *Section 3.* Every such company before transacting business in this Commonwealth shall file with said commissioner a copy of its charter or certificate of incorporation, and a statement of the amount of its capital stock, and the amount paid in thereon to its treasurer, and if any part of such payment has been made otherwise than in money the statement shall set forth the particulars thereof, and said statement shall be subscribed and sworn to by its president, treasurer and by a majority of its directors or officers having the powers usually exercised by directors. All such companies now doing business in this Commonwealth shall file such copy and such statement on or before the first day of October next, provided such business is thereafter continued. Every officer of a corporation which fails to comply with the requirements of this act, and every agent of such corporation who transacts business as such in this Commonwealth shall for such failure be liable to a fine not exceeding five hundred dollars ; but such failure shall not affect the validity of any contract by or with such corporation. Every such company shall pay into the treasury ten dollars for filing the copy of its charter, and five dollars for filing the statement required by this section. The provisions of the Public Statutes in so far as they impose penalties and liabilities, and the enforcement of the same, upon officers and stockholders of domestic corporations for false and fraudulent statements and returns, shall apply to the officers and stockholders of foreign corporations doing business in this Commonwealth and subject to the provisions of this act.

Foreign corporations to file copy of charter, etc.

Penalties, etc.

Certain provisions of law to apply.

Approved March 22, 1895.

AN ACT TO SUPPLY THE TOWN OF RUTLAND WITH WATER.

Chap. 158

Be it enacted, etc., as follows :

SECTION 1. The town of Rutland may supply itself and its inhabitants with water for the extinguishing of fires and for domestic and other purposes ; may establish

Water supply for town of Rutland.

fountains and hydrants and relocate and discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take certain waters, lands, etc.

SECTION 2. Said town, for the purposes aforesaid, and for the purpose of obtaining a supply of water, may draw and convey directly from lake Muschopauge, situated in the town of Rutland, so much of the waters thereof and the waters that flow into and from the same as it may require; and it may take by purchase or otherwise, and hold any water rights connected with said lake and any springs and streams tributary thereto, and the water rights connected with any of said sources, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Rutland; and may erect upon the land thus taken or held proper dams, buildings, fixtures or other structures; and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over lands, water courses, railroads, public or private ways, and along any such ways in such manner as, when completed, not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways, under the direction of the board of selectmen of the town in which such ways are situated, in such manner as to cause the least hindrance to public travel on such ways.

May dig up lands, etc., under direction of selectmen.

Description of lands, etc., to be recorded.

SECTION 3. Said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county and district where the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. Said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said

town under the authority of this act. Any person or corporation entitled to damages as aforesaid, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within a period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application or assessment shall be made for the taking of any water or water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate thirty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Rutland Water Loan; shall be payable at the expiration of periods not exceeding thirty years from date of issue, and shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. Said town may sell all such securities at public or private sale or pledge the same for money borrowed for the purposes of this act. Said town, unless it avails itself of the provisions of section six, shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Rutland Water Loan.

Sinking fund.

SECTION 6. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required shall without further notice be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes

May provide for annual payments on loan.

are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return to state
amount of sink-
ing fund, etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

Payment of
expenses, etc.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for
corruption of
water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to the town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commis-
sioners, election,
term, etc.

SECTION 10. Said town shall, after the acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking

To be trustees
of sinking fund.

fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said town at any legal town meeting held for the purpose. Vacancy.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Rutland present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three. *Approved March 22, 1895.* When to take effect.

AN ACT TO EXEMPT VETERAN SOLDIERS AND SAILORS FROM THE PAYMENT OF FEES FOR CERTIFICATES OF AUTHORITY TO ACT AS INSURANCE BROKERS. Chap.159

Be it enacted, etc., as follows:

SECTION 1. The insurance commissioner may issue a certificate of authority to act as an insurance broker, without the payment of any fee therefor, to any soldier or sailor resident in this Commonwealth who served in the army or navy during the war of the rebellion and who received an honorable discharge from such service, upon satisfactory evidence of the identity of such soldier or sailor. Veteran soldiers and sailors exempt from payment of certain fees.

SECTION 2. So much of section ninety-three of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage. *Approved March 22, 1895.*

AN ACT TO DECLARE MEMBERS OF THE BOARD OF POLICE FOR THE CITY OF FALL RIVER INELIGIBLE TO CERTAIN OTHER OFFICES. Chap.160

Be it enacted, etc., as follows:

SECTION 1. No person appointed to act as a member of the board of police for the city of Fall River shall during his term of office hold any other office by appointment of the governor of the Commonwealth or the mayor of said city, except that of notary public or justice of the peace, or be eligible for election to any city or state office by the vote of the city council of said city or by vote of the people. Not to hold certain other offices.

SECTION 2. This act shall take effect on the first Monday in January in the year eighteen hundred and ninety-six. *Approved March 22, 1895.* When to take effect.

Chap.161 AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO RAISE ADDITIONAL FUNDS FOR WATER WORKS.

Be it enacted, etc., as follows:

May raise additional funds for water works.

SECTION 1. The city of Waltham is hereby authorized, for the purpose named in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, to raise by taxation or by borrowing from time to time an amount not exceeding one hundred thousand dollars in addition to the amount already authorized by law, upon the same terms and conditions and with like powers in all respects as are provided in said act for the raising of money.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1895.

Chap.162 AN ACT RELATIVE TO THE DISPOSITION OF FINES IMPOSED FOR PUBLISHING OR DISTRIBUTING OBSCENE LITERATURE.

Be it enacted, etc., as follows:

Disposition of fines in certain cases.

SECTION 1. When a person is convicted under the provisions of chapter four hundred and thirty-three of the acts of the year eighteen hundred and ninety-four, and sentenced to pay a fine, one half of the fine actually paid by such offender shall be paid to the person who informed and prosecuted such offender to conviction.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1895.

Chap.163 AN ACT TO AUTHORIZE THE NEW ENGLAND COTTON MANUFACTURERS' ASSOCIATION TO HOLD ITS MEETINGS WITHOUT THE COMMONWEALTH.

Be it enacted, etc., as follows:

May hold meetings without the Commonwealth.

SECTION 1. The New England Cotton Manufacturers' Association is hereby authorized to hold its meetings in any state or territory of the United States and in the District of Columbia: *provided, however,* that its annual meeting shall be held in this Commonwealth at least once in five years.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1895.

AN ACT TO AUTHORIZE SAVINGS BANKS TO INVEST IN AND LOAN
UPON BONDS OF THE STATES OF MISSOURI AND MINNESOTA AND
THE CITIES THEREOF. *Chap.164*

Be it enacted, etc., as follows:

Deposits in savings banks and institutions for savings, and the income derived therefrom, may be invested in the legally authorized bonds of the states of Missouri and Minnesota, and in the legally authorized bonds for municipal purposes, and refunding bonds issued to take up at maturity bonds which have been issued for other than municipal purposes but on which the interest has been fully paid, of any city of the aforesaid states which has at the date of such investment more than thirty thousand inhabitants, as established by the last national or state census, or city census certified to by the city clerk or treasurer of said city and taken in the same manner as a national or state census, preceding such investment, and whose net indebtedness does not exceed five per cent. of the valuation of the taxable property therein, to be ascertained by the last preceding valuation of property therein for the assessment of taxes; and in the note or notes of any citizen of this Commonwealth, with a pledge as collateral of any of the aforesaid securities, the amount invested in such note or notes not to exceed in any case eighty per cent. of the market value of the securities pledged.

Investments of deposits in savings banks, etc.

The term "net indebtedness" in this statute shall be construed to denote the indebtedness of any city, town or district, omitting debt created for supplying the inhabitants with water, and deducting the amount of sinking funds available for the payment of such indebtedness.

Term construed.

Approved March 23, 1895.

AN ACT TO INCORPORATE THE BERKSHIRE LOAN AND TRUST
COMPANY. *Chap.165*

Be it enacted, etc., as follows:

SECTION 1. DeWitt Bruce, Henry Colt, Frank K. Paddock, William Russell Allen, Charles Atwater, William L. Adam and Charles W. Kellogg, their associates and successors, are hereby made a corporation by the name of Berkshire Loan and Trust Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Pittsfield; with all the powers and

Berkshire Loan and Trust Company incorporated.

privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap. 166 AN ACT RELATIVE TO THE REGULATION AND SUPERVISION OF WIRES OVER STREETS OR BUILDINGS IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

Wires over streets and buildings in Brookline regulated, etc.

SECTION 1. Every person or corporation, private or municipal, owning or operating a line of wires over streets or buildings in the town of Brookline shall use only wires that are suitable and strong; shall suitably and safely attach them to strong and sufficient supports and insulate them at all points of attachment; shall remove all wires abandoned for use; shall suitably insulate every wire where it enters a building, and if such wire is other than a wire designed to carry an electric light or power current, shall attach to it at suitable and convenient points in the circuit, calculating to prevent danger from fire, and near the place of entering the building, an appliance calculated to prevent at all times a current of electricity of such intensity or volume as to be capable of injuring electrical instruments, or causing fire from entering the building by means of such wire, beyond the point at which such appliance is attached, and shall suitably insulate every wire within a building when such wire is designed to carry an electric light current.

Certain wires, etc., to be marked.

SECTION 2. Every such person and corporation shall in said town, within six months after the appointment of the officer hereinafter provided for, affix at the points of support at which any such wire or cable containing wires is attached a tag or mark distinctly designating the owner or user of such wire or cable. No such tag or mark shall be required for the wires of a street railway company used for the transmission of its motive power, nor for the protection or support of such wires.

Supervision of wires, etc.

SECTION 3. Said town shall, by by-law, designate or provide for the appointment of an officer who shall supervise every wire over streets or buildings in said town, and every wire within a building when such wire is designed to carry an electric light or power current; shall notify the person or corporation owning or operating any such wire whenever its attachments, insulation, supports or

appliances are unsuitable or unsafe or the tags or marks thereof are insufficient or illegible; and shall, at the expense of said town, remove every wire abandoned for use and every wire which after the six months aforesaid shall be unprovided with a tag or mark as hereinbefore required, such expense to be repaid by the owner of such wire; and shall see that all laws, by-laws and regulations relating to such wires are strictly enforced.

SECTION 4. Said town may recover in an action of contract of the person or corporation owning any such wire as is hereinbefore described any expense which it may have incurred for any removal thereof.

Town may recover certain expenses incurred.

SECTION 5. Any court having equity jurisdiction or any justice thereof, in term time or vacation, may, on a petition of the officer designated or appointed as aforesaid, by any suitable process or decree in equity, enforce the provisions of this act, and may, on such petition, issue an injunction or other suitable process to restrain the use or maintenance or to cause the removal of any wire, post or other support erected, maintained or used in violation of this act.

Enforcement of provisions, etc.

SECTION 6. This act shall take effect upon its passage.

Approved March 27, 1895.

AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE WORCESTER AND SHREWSBURY RAILROAD ACROSS LAKE QUINSIGAMOND.

Chap.167

Be it enacted, etc., as follows:

The provisions of chapter three hundred and sixty-four of the acts of the year eighteen hundred and ninety-two are hereby extended for a period of three years from the eleventh day of June in the year eighteen hundred and ninety-five.

Time extended.

Approved March 27, 1895.

AN ACT TO INCORPORATE THE SHOE AND LEATHER BUILDING ASSOCIATION.

Chap.168

Be it enacted, etc., as follows:

SECTION 1. Benjamin E. Cole, William Claflin, George F. Putnam, Joseph R. Leeson and George McConnell, their associates and successors, are hereby made a corporation by the name of the Shoe and Leather Building Association; for the purpose of acquiring the real estate and property of the New England Shoe and Leather Association, or any equity or equities therein, and for the

Shoe and Leather Building Association incorporated.

purpose of promoting the general welfare of the hide and leather and boot and shoe interests of New England; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in chapter twelve of the acts of the year eighteen hundred and seventy-one, and chapter ten of the acts of the year eighteen hundred and eighty-nine, relating to the New England Shoe and Leather Association.

Capital stock.

SECTION 2. The capital stock of such corporation shall not exceed one hundred and sixty-seven thousand dollars, which may be paid in, in whole or in part, by the assignment to the corporation of claims against the New England Shoe and Leather Association, at a fair and reasonable valuation, to be determined and approved by the commissioner of corporations, whose decision that such valuation is fair and reasonable shall be final and conclusive. If the commissioner shall decide that the fair and reasonable value of the claims to be assigned to the corporation in payment for capital stock is less than the face thereof, the corporation may, with the approval of the commissioner, fix its capital stock at any amount less than one hundred and sixty-seven thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap.169 AN ACT TO ESTABLISH THE FEES TO BE PAID BY CORPORATIONS FOR FILING AND RECORDING CERTAIN CERTIFICATES.

Be it enacted, etc., as follows:

Fees for filing certain certificates, etc.

SECTION 1. The fee to be paid by corporations for filing and recording the certificates required by sections fifty-one and fifty-two of chapter one hundred and six of the Public Statutes shall be one dollar for each certificate.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap.170 AN ACT TO DISSOLVE THE SPENCER CO-OPERATIVE BANK.

Be it enacted, etc., as follows:

Spencer Co-operative Bank dissolved.

SECTION 1. The Spencer Co-operative Bank is hereby dissolved, subject to the provisions of sections forty-one and forty-two of chapter one hundred and five of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

AN ACT RELATIVE TO ANNUAL RETURNS OF CO-OPERATIVE BANKS. *Chap. 171*
Be it enacted, etc., as follows:

Section two of chapter one hundred and fifty-nine of the acts of the year eighteen hundred and eighty-nine is hereby amended by striking out in the second line, the word “twenty”, and inserting in place thereof the word:—thirty,—and by adding at the end of said section the following words:—Such returns shall include all sums received and all sums disbursed up to the close of business on said day, except that sums received for dues, interest, premiums and fines on account of the next monthly meeting may be omitted. When a report is defective or appears to be erroneous, the board shall notify the bank to amend the same within fifteen days. Every co-operative bank neglecting to make the return required by this act on or before the time named therein, or to amend such report within fifteen days, when notified by the board so to do, shall forfeit five dollars for each day’s neglect,—so as to read as follows:—*Section 2.* Every co-operative bank shall annually within thirty days after the last business day of October make a return to the commissioners of savings banks in such form as may be prescribed by them, showing accurately the condition thereof at close of business on said day, which return shall be signed and sworn to by the secretary and treasurer of such corporation. The president and five or more of the directors shall certify and make oath that the report is correct according to their best knowledge and belief. Such returns shall include all sums received and all sums disbursed up to the close of business on said day, except that sums received for dues, interest, premiums and fines on account of the next monthly meeting may be omitted. When a report is defective or appears to be erroneous, the board shall notify the bank to amend the same within fifteen days. Every co-operative bank neglecting to make the return required by this act on or before the time named therein, or to amend such report within fifteen days, when notified by the board so to do, shall forfeit five dollars for each day’s neglect.

1889, 159, § 2,
amended.

Annual returns
of co-operative
banks.

Penalty.

Approved March 27, 1895.

Chap.172 AN ACT RELATIVE TO FINES WHICH MAY BE CHARGED BY CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Fines on shares
by co-operative
banks.

SECTION 1. No member of a co-operative bank whose shares are withdrawn, forfeited or retired, shall be charged with fines upon such shares in excess of the profits distributed thereto, and if no profits shall have been distributed to such shares no fines shall be charged thereon. Nothing herein contained shall prevent a borrowing member being charged with fines according to existing statutes upon interest and premiums in arrears.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap.173 AN ACT TO PROHIBIT THE OBSTRUCTION OF HIGHWAYS BY THE RECEIVERS AND ASSIGNEES OF RAILROAD CORPORATIONS.

Be it enacted, etc., as follows:

Obstruction of
highways, etc.,
by railroad
corporations.

No receiver or assignee of a railroad corporation, nor the servants or agents of such receiver or assignee, shall wilfully or negligently obstruct or unnecessarily or unreasonably use or occupy a highway, town way or street, nor in any case with cars or engines for more than five minutes at one time; and whenever a highway, town way or street has been thus used or occupied with cars or engines no railroad corporation shall again use or occupy the same with the cars or engines of a freight train until a sufficient time, not less than three minutes, has been allowed for the passage across the railroad of such travelers as were ready and waiting to cross when the former occupation ceased. For a violation of the provisions of this section the corporation, its receivers or assignees, shall forfeit one hundred dollars.

Penalty.

Approved March 27, 1895.

Chap.174 AN ACT RELATIVE TO ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF ESSEX.

Be it enacted, etc., as follows:

Additional
clerical
assistance

SECTION 1. The register of probate and insolvency for the county of Essex shall be allowed, in addition to the amount now allowed by law, a sum not exceeding fifteen hundred dollars per annum, to be so allowed from the first day of February in the year eighteen hundred

and ninety-five, for clerical assistance actually performed, to be paid out of the treasury of the Commonwealth upon the official certificate of the judge of probate and insolvency for said county.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FIRST DEPUTY CONTROLLER OF COUNTY ACCOUNTS.

Chap.175

Be it enacted, etc., as follows:

SECTION 1. The controller of county accounts shall by appointment designate one of his deputies as first deputy controller, who shall, when by reason of sickness or other cause the controller is disabled from performing his official duties, or a vacancy exists in said office, perform the duties of the same until such disability is removed or such vacancy is duly filled by appointment. The salary of the deputy so designated shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-five.

First deputy controller of county accounts, appointment, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

AN ACT TO ESTABLISH THE FOURTH DISTRICT COURT OF BERKSHIRE.

Chap.176

Be it enacted, etc., as follows:

SECTION 1. The towns of Adams, Cheshire, Savoy and Windsor in the county of Berkshire shall constitute a judicial district under the jurisdiction of a court to be called the Fourth District Court of Berkshire. Said court shall be held in the town of Adams.

Fourth District Court of Berkshire.

SECTION 2. There shall be one justice, two special justices and a clerk of said court. The justice shall receive an annual salary of one thousand dollars, and the clerk an annual salary of five hundred dollars, to be paid by the county of Berkshire. All provisions of law applicable to district courts shall apply to said court.

Justices, clerk, etc.

SECTION 3. The first session of said court shall be held on the first day of July in the year eighteen hundred and ninety-five; but nothing in this act shall affect any action or proceeding commenced prior to said first day of July.

First session.

SECTION 4. So much of section two of chapter one hundred and fifty-four of the Public Statutes as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap. 177 AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows :

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit : —
Additional pages, senate and house.	For the compensation of the six additional pages to the senate and house of representatives, authorized by chapter eleven of the acts of the present year, a sum not exceeding twenty-seven hundred dollars.
Report of insurance commissioner, Part II.	For printing additional copies of part second of the report of the insurance commissioner, as authorized by chapter fifty-four of the acts of the present year, a sum not exceeding two hundred and fifty dollars.
Additional clerical and expert assistants.	For additional clerical and expert assistants in the office of the commissioners of savings banks, as authorized by chapter sixty-six of the acts of the present year, a sum not exceeding twenty-five hundred dollars.
Insurance commissioner, actuary.	For the salary of an actuary in the department of the insurance commissioner, as authorized by chapter eighty-one of the acts of the present year, the sum of two thousand dollars.
Report on metropolitan water supply.	For printing additional copies of the report of the state board of health upon the subject of a metropolitan water supply, as authorized by chapter two of the resolves of the present year, a sum not exceeding forty-two hundred dollars.
Publication of address of Alfred S. Roe.	For the publication of the historical address delivered in the house of representatives by Alfred S. Roe of Worcester, as authorized by chapter three of the resolves of the present year, a sum not exceeding one thousand dollars.
Metropolitan water supply, expenses.	For expenses in connection with the continuance of the investigation of the subject of a metropolitan water supply for the city of Boston and its suburbs, as authorized by chapter four of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.
State primary school.	For payment of indebtedness incurred in building a new barn and cow shed at the State primary school at Monson, as authorized by chapter six of the resolves of the present year, a sum not exceeding four thousand six hundred and fifteen dollars.

For Lemuel Burr of Cambridge, as authorized by chapter seven of the resolves of the present year, the sum of one hundred and fifty dollars.

Lemuel Burr.

For Lavinia D. Barbour, as authorized by chapter eight of the resolves of the present year, the sum of two hundred dollars.

Lavinia D. Barbour.

For Patrick S. Ward of Chelmsford, as authorized by chapter nine of the resolves of the present year, the sum of thirty-five dollars.

Patrick S. Ward.

For the payment of additional rent of a room for storage purposes for the use of the bureau of statistics of labor, as authorized by chapter eleven of the resolves of the present year, the sum of fifty dollars.

Bureau of statistics of labor.

For printing additional copies of the report of the commission on the unemployed, as authorized by chapter thirteen of the resolves of the present year, a sum not exceeding one thousand dollars.

Report of commission on unemployed.

For the trustees of the soldiers' home in Massachusetts, as authorized by chapter fourteen of the resolves of the present year, the sum of thirty thousand dollars.

Trustees of soldiers' home.

For expenses in connection with the act in relation to the granting of licenses for the sale of intoxicating liquors in towns which are summer resorts, a sum not exceeding three hundred dollars.

Licenses for sale of intoxicating liquors.

For salary and expenses of the fire marshal of the city of Boston, as provided for in chapter two hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, the sum of five thousand nine hundred sixty-three dollars and ninety-eight cents, which amount is payable to the treasurer of the city of Boston.

Fire marshal, city of Boston.

For expenses in connection with supplying to the Massachusetts exhibitors at the world's Columbian exposition copies of the report of the board of managers, as authorized by chapter sixteen of the resolves of the present year, a sum not exceeding two hundred dollars.

Report of managers of world's Columbian exposition.

For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted or reverted to the treasury in previous years, a sum not exceeding one thousand dollars.

Certain small items of expenditure.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap.178 AN ACT TO FURTHER EXTEND THE TIME OF EXEMPTION OF THE CITY OF BROCKTON FROM THE OPERATION OF AN ACT RELATIVE TO THE LIMIT OF THE MUNICIPAL DEBT AND THE RATE OF TAXATION IN CITIES.

Be it enacted, etc., as follows :

Time of exemption extended.

SECTION 1. The city of Brockton is hereby exempted from the operation of section one of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five until the first day of January in the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap.179 AN ACT RELATIVE TO THE FINANCIAL YEAR IN THE CITY OF CHELSEA.

Be it enacted, etc., as follows :

1894, 325, § 35, amended.

SECTION 1. Section thirty-five of chapter three hundred and twenty-five of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the seventh line, the words “the following February”, and inserting in place thereof the word : — January, — so as to read as follows : — *Section 35.* The mayor shall, in the month of January of each year, cause to be made to him by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of January, and he shall, not later than the second week in February, transmit such estimates to the board of aldermen, recommending appropriations for each department or purpose as he shall deem necessary therefor.

Estimates for the several departments in city of Chelsea.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap.180 AN ACT TO AUTHORIZE THE COMMISSIONERS ON INLAND FISHERIES AND GAME TO LEASE OYSTER POND IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows :

May lease Oyster pond in Dukes County for cultivation of fish.

SECTION 1. The commissioners on inland fisheries and game, or any two of them, may, in the name of the Commonwealth, lease for a term not exceeding twenty

years, the pond known as Oyster pond, in the county of Dukes County, and any of the arms, coves and bays connected therewith, for the purpose of cultivating useful fish, for such periods of time and on such terms and conditions as they may judge the public interest to require: *provided*, that nothing in this act shall impair or abridge the right of any citizen of the Commonwealth to take fish in said pond or the waters connected therewith, by hook and line, at such times and under such restrictions and limitations as are permitted under any laws of the Commonwealth now or hereafter enacted relating to the taking of fish by hook and line.

Proviso.

SECTION 2. Before making such lease the commissioners shall appoint a time and place for a hearing upon the application therefor, and shall give notice thereof to all the towns within whose limits any part of said pond lies.

To give notice of hearing.

SECTION 3. Towns within whose limits any part of said pond lies may, for the purpose of cultivating useful fish, under such conditions and restrictions as they may prescribe, take a lease of said pond and appropriate money therefor.

Certain towns may take lease, etc.

SECTION 4. The commissioners may fix the limits of the said pond and the arms, coves and bays connected therewith; which limits, being recorded in the registry of deeds for said county, shall be taken to be the legal limits thereof for all the purposes of this act.

Limits of pond, etc.

SECTION 5. The commissioners shall have the custody of all leases made under the provisions of this act, and may cause any agreements, rights, reservations, forfeitures and conditions therein contained to be enforced, and for that purpose may institute proceedings in the name of the Commonwealth, and may take possession of any premises for breach of conditions of said lease, and after revesting the Commonwealth therewith may again lease the same.

Custody of leases, etc.

SECTION 6. This act shall take effect upon its passage.

Approved March 27, 1895.

AN ACT REQUIRING SCHOOL COMMITTEES TO FURNISH THE PUBLIC SCHOOLS WITH NATIONAL FLAGS.

Chap. 181

Be it enacted, etc., as follows:

SECTION 1. It shall be the duty of the school committees in the several cities and towns of the Commonwealth to provide for each schoolhouse in which public

Public schools to be furnished with United States flags, etc.

schools are maintained within their respective cities and towns not otherwise supplied, a United States flag of silk or bunting, not less than four feet in length, and a suitable flagstaff or other apparatus whereby such flag may be displayed on the schoolhouse grounds or schoolhouse buildings every school day, when the weather will permit, and on the inside of the schoolhouse on other school days.

To take effect
September
1, 1895.

SECTION 2. This act shall take effect on the first day of September in the year eighteen hundred and ninety-five.

Approved March 27, 1895.

Chap. 182 AN ACT TO LOCATE AND DEFINE THE BOUNDARY LINE BETWEEN
THE TOWNS OF MELROSE AND STONEHAM.

Be it enacted, etc., as follows :

Boundary line
between
Melrose and
Stoneham to be
defined, etc.

SECTION 1. The commissioners on the topographical survey and map of Massachusetts, after hearing parties interested, upon proper notice, are hereby authorized and directed to locate and define the true boundary line between the town of Melrose and the town of Stoneham, as established by chapter forty-five of the acts of the year eighteen hundred and fifty-three and by other statutes now in force in relation thereto, and to mark said boundary line by appropriate monuments. The boundary line thus located and defined shall be the true and correct boundary line between said towns of Melrose and Stoneham.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap. 183 AN ACT TO AUTHORIZE THE SALE OF ESTATES SUBJECT TO RE-
MAINDER.

Be it enacted, etc., as follows :

Real estate
subject to vested
remainder may
be sold, etc.

SECTION 1. When real estate is subject to a vested remainder the supreme judicial court may, upon the petition of any person who has either an estate in possession or the remainder in such real estate, and after notice and other proceedings as hereinafter required, appoint one or more trustees, and authorize him or them to sell and convey such estate, or any part thereof, in fee simple, if such sale and conveyance appear to the court to be necessary or expedient; and such conveyance shall be valid and binding upon all persons.

P. S. 120, §§ 20,
21, to apply.

SECTION 2. The provisions of sections twenty and twenty-one of chapter one hundred and twenty of the Public Statutes shall apply to all petitions and sales under the preceding section.

Approved March 27, 1895.

AN ACT TO INCORPORATE THE PYNCHON SAFE DEPOSIT AND TRUST COMPANY.

Chap. 184

Be it enacted, etc., as follows:

SECTION 1. Edward P. Chapin, William H. Haile, H. Curtis Rowley, George R. Bond, Charles C. Lewis, James T. Abbe, James E. Chapin, John S. Sanderson and Homer Foot, their associates and successors, are hereby made a corporation by the name of the Pynchon Safe Deposit and Trust Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Springfield; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Pynchon Safe Deposit and Trust Company incorporated.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO ABATE A PORTION OF THE BETTERMENTS MADE ON ACCOUNT OF THE LAYING OUT OF JAMAICA PARK AND ARBORWAY.

Chap. 185

Be it enacted, etc., as follows:

SECTION 1. The city of Boston may at any time within two years from the passage of this act authorize the board of park commissioners of said city to abate such proportion of any assessment for a betterment made on account of the laying out of the parkways known as Jamaica park and arborway, or either of them, as said board shall deem just and expedient, and may authorize the treasurer of said city to repay the proportion of any assessment which is paid into the city treasury, as said board of park commissioners shall approve. The expenses incurred under this act shall be charged to the appropriation for the park department of said city.

Portion of parkway betterments may be abated.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

AN ACT RELATIVE TO THE WATERING OF STREETS IN TOWNS.

Chap. 186

Be it enacted, etc., as follows:

SECTION 1. Any town the population of which exceeds three thousand, which shall adopt the provisions of this act at its annual town meeting or at a special meeting called for said purpose, may annually appropriate and expend money for watering its public streets, and may

Certain towns may provide for watering streets, etc.

provide that its board of assessors may assess upon the estates abutting on the streets so watered the whole or any portion of the cost of such watering; and the amount of such assessments upon each estate, unless previously paid, shall be certified by such board of assessors to the collector of taxes of the town, who shall include the same in the next tax bill issued for an annual tax upon such estate, and the same shall be a lien upon such estate, and shall be considered as constituting a part of, and shall be levied, collected and paid or abated in the same manner as the town taxes on real estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1895.

Chap. 187 AN ACT TO PLACE THE CONTROL OF THE POLICE FORCE OF THE CITY OF LOWELL UNDER THE LICENSE COMMISSION OF SAID CITY AND TO CHANGE THE NAME OF SAID COMMISSION.

Be it enacted, etc., as follows:

Board of Police,
city of Lowell.

SECTION 1. All the powers and duties now vested in and exercised by the mayor and city council of the city of Lowell, with respect to the control of the police force in said city, are hereby transferred to and vested in the license commission of said city, except as hereinafter provided. And said license commission shall hereafter be designated and known as The Board of Police of the City of Lowell. The members of the present license commission shall remain in office as members of said board of police unless removed by the mayor for incapacity, malfeasance or neglect of duty.

To continue in
office without
reference to
vote of city on
license question.

SECTION 2. So much of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety-four as provides that the powers, duties and salaries of said boards of license commissioners shall cease from and after the first Monday in June following any annual municipal election in any city which has not voted to authorize the granting of licenses for the sale of intoxicating liquor, shall not apply to the city of Lowell, and said board of police shall remain in continuous service without reference to the vote of the city on the question of granting licenses for the sale of intoxicating liquors.

Organization,
etc., of police
force.

SECTION 3. Said board of police, in addition to its present powers and duties shall have authority to appoint, establish and organize the police force in said city of Lowell, and make all needful rules and regulations for its efficiency.

SECTION 4. The members of the Lowell police force in office at the time of the passage of this act shall continue to hold their several offices until removed or placed upon the retired list by said board of police, and the present rules and regulations of the board of aldermen for the government of the police force shall continue in force until otherwise ordered by said board of police.

Members of
police to
continue in
office, etc.

SECTION 5. The annual salary of the chairman of said board of police shall not be less than six hundred dollars per annum, and that of the other members thereof not less than five hundred dollars per annum. The city of Lowell shall provide all such suitable accommodations for the police of said city as said board of police shall require, and all buildings and property used by said board shall be under the control of said board. All expenses for the maintenance of buildings used by the police force, and all incidental expenses incurred in the administration of said police, shall be paid by the city of Lowell, upon the requisition of said board.

Salaries, etc.

Expenses.

SECTION 6. Said board shall not appoint any larger number of patrolmen than the board of mayor and aldermen are now authorized to appoint, nor shall the pay of the police be increased or diminished except by the concurrent action of the city council and said board of police.

Number of
patrolmen, etc.

SECTION 7. Said board of police may appoint a clerk, who shall be sworn, and shall keep a record of all proceedings, issue all notices and attest all such papers and orders as said board shall direct. His term of office shall be six years but he may be removed by said board for such cause as it shall deem sufficient and shall express in the order of removal. The salary of said clerk shall be not less than five hundred dollars per annum.

Clerk, appoint-
ment, term, etc

SECTION 8. Nothing herein shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being an act to improve the civil service of the Commonwealth and the cities thereof, nor the rules made by the commissioners appointed thereunder.

Civil service
rules not to be
affected.

SECTION 9. Said board of police shall make a detailed report of its doings quarterly to the mayor of said city of Lowell.

To make
quarterly report
to mayor.

SECTION 10. Vacancies hereafter occurring in the membership of said board of police by expiration of terms of office or otherwise, shall be filled by appointment by the mayor of said city. The members of said board of police

Vacancies, etc.

may be removed by said mayor, after hearing, for malfeasance, incapacity or neglect of duty.

Repeal.

SECTION 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 12. This act shall take effect upon its passage.

Approved March 28, 1895.

Chap.188 AN ACT TO AUTHORIZE THE AMERICAN UNITARIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The American Unitarian Association is hereby authorized, for the purposes set forth in its act of incorporation, to hold real and personal estate to an amount not exceeding four hundred thousand dollars in addition to the amount now authorized by law.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1895.

Chap.189 AN ACT TO AUTHORIZE THE QUINCY QUARRY COMPANY TO CONSTRUCT A RAILROAD IN THE CITY OF QUINCY TO TRANSPORT GRANITE AND OTHER COMMODITIES.

Be it enacted, etc., as follows:

May locate, construct, etc., a steam railroad.

SECTION 1. The Quincy Quarry Company may locate, construct, maintain and operate a railroad with one or more tracks, to be operated by steam, to transport granite and other commodities from a convenient point at or near the Quincy Adams station of the Old Colony division of the New York, New Haven and Hartford Railroad Company to the quarries and ledges located on the North Commons, so-called, in the city of Quincy, subject to the provisions of this act.

The crossing and use of highways, etc., regulated.

SECTION 2. Said railroad shall not be constructed across or upon any highway, town way or travelled places without the consent of the mayor and council of the city of Quincy, nor except in a manner approved by them. If such assent shall be obtained they shall from time to time make such regulations in regard to the rate of speed to be run, the time and manner of using the railroad over and upon such ways or places, as in their judgment public safety and convenience require: and they may order such changes to be made in the track as are rendered necessary by the alteration or repair of such railroad. The provisions of all general laws which now are or hereafter may be in force concerning railroad corporations, relative to

the crossing and use of ways and travelled places, shall apply to such railroad and to the Quincy Quarry Company.

SECTION 3. Said quarry company may locate, construct and operate its railroad with its main track or tracks and necessary sidings and spur tracks over the route to be determined upon in the manner prescribed by the general laws relating to railroads; and for said purpose may take and hold by purchase or otherwise all necessary real estate. All the provisions of chapter one hundred and twelve of the Public Statutes and acts in amendment thereof and in addition thereto shall apply to said railroad, so far as such provisions relate to the location, construction, maintaining and operation of railroads for the transportation of freight and other commodities.

May take and hold necessary real estate, etc.

P. S. 112, etc., to apply.

SECTION 4. Said quarry company may unite its tracks with those of the New York, New Haven and Hartford Railroad Company, with the consent of the latter, and enter into contracts with the said New York, New Haven and Hartford Railroad Company to transport freight upon and over the route of the Quincy Quarry Company, upon such terms and conditions as may be agreed upon by the directors of each corporation.

May unite its tracks with those of New York, New Haven and Hartford railroad, etc.

SECTION 5. Said corporation, in order to pay for the construction and equipment of said railroad may, by vote of its stockholders at a meeting duly called for the purpose, issue bonds for the payment of money to be borrowed for such purpose, and may mortgage or pledge as security for the payment of said bonds a part or all of its property, real or personal. And in all respects such bonds shall conform and be subject to, and said Quincy Quarry Company shall issue the same in conformity with, all laws authorizing and regulating the issue of bonds by railroad companies.

May issue mortgage bonds, etc.

SECTION 6. Said railroad shall be located within one year and constructed within three years from the date of the passage of this act.

Time of location and construction.

SECTION 7. This act shall take effect upon its passage.

Approved March 28, 1895.

AN ACT RELATIVE TO MUTUAL FIRE INSURANCE COMPANIES WITH A GUARANTY CAPITAL.

Chap. 190

Be it enacted, etc., as follows:

SECTION 1. A mutual fire insurance company may be formed with, or a mutual fire insurance company now

Guaranty capital of mutual fire insurance companies.

existing may establish, a guaranty capital of not less than twenty-five thousand dollars nor more than two hundred thousand dollars, divided into shares of one hundred dollars each, which shall be invested in the same manner as is provided for the investment of the capital stock of certain insurance companies by section thirty-four of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four. The stockholders of the guaranty capital of a company, acquired under the provisions of the Public Statutes of this Commonwealth, or of any acts subsequent thereto, shall be entitled to a semi-annual dividend of not more than three and one half per cent. on their respective shares if the net profits or unused premiums left after all expenses, losses and liabilities then incurred, together with the reserve for reinsurance, are provided for, shall be sufficient to pay the same. The guaranty capital shall be applied to the payment of losses only when the company has exhausted its cash in hand and the invested assets, exclusive of uncollected premiums, and when thus impaired, the directors may make good the whole or any part of it by assessments upon the contingent funds of the company at the date of such impairment. Shareholders and members of such companies shall be subject to the same provisions of law in respect to their right to vote as apply respectively to shareholders in stock companies and policy holders in purely mutual companies; and said guaranty capital shall be retired when the permanent fund of the company equals two per cent. of the amount insured upon all policies in force; and said guaranty capital may be reduced or retired by vote of the policy holders of the company and the assent of the insurance commissioner, provided the net assets of the company above its reinsurance reserve and all other claims and obligations, exclusive of guaranty capital, for two years immediately preceding and including the date of its last annual statement, shall be not less than twenty-five per cent. of the guaranty capital. Due notice of such proposed action on the part of the company shall be mailed to each policy holder of the company not less than thirty days before the meeting when such action may be taken, and shall also be advertised in two papers of general circulation approved by the insurance commissioner, not less than three times a week for a period of not less than four weeks before said meeting. No insurance company with a guaranty capital, which has ceased to do new busi-

What dividends
stockholders
are entitled to,
etc.

When guaranty
capital is liable
for losses, etc.

Right of share-
holders and
members to
vote, etc.

Notice of reduc-
tion, etc., of
guaranty capital
to be given, etc.

ness, shall divide to its stockholders any part of its assets or guaranty capital except income from investments until it shall have performed or cancelled its policy obligations.

SECTION 2. Section forty-two of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby repealed. Repeal.

Approved March 28, 1895.

AN ACT TO SUPPLY THE TOWN OF HATFIELD WITH WATER.

Chap. 191

Be it enacted, etc., as follows:

SECTION 1. The town of Hatfield may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same. Water supply for town of Hatfield.

SECTION 2. Said town, for the purposes aforesaid, may take by purchase or otherwise, and hold the waters of Running Gutter brook, in said town of Hatfield, and the waters which flow into and from the same, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding, storing and preserving such water and for conveying the same to any part of said town of Hatfield, and for constructing and maintaining ponds; and may erect on the land thus taken, purchased or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways. May take lands, waters, etc.

SECTION 3. Said town shall within sixty days after the taking of any lands, rights of way, water rights, water May dig up lands, etc., under direction of selectmen.

Description of lands, etc., to be recorded.

sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property are situated a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken and the damages awarded to each person or corporation, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. Said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, or who is aggrieved by the doings of the commission, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Hatfield Water
Loan.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate thirty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words, Hatfield Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum and shall be signed by the treasurer and countersigned by the selectmen of the town. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper.

Sinking fund.

Said town shall pay the interest on said loan as it accrues and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumu-

lations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

SECTION 6. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for annual payments on loan.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of section six of this act, and shall also state the amounts raised and applied thereunder for the current year.

Return to state amount of sinking fund, etc.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Payment of expenses, etc.

SECTION 9. Said town may contract with any person or corporation, and purchase any interest in any property which may be deemed necessary to carry out the purposes of this act, and hold such interest and property.

Purchase, etc., of property.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and whoever is convicted of any of the said wilful or wanton acts shall be punished by a fine of five hundred dollars or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment.

Penalty for corruption of water, etc.

SECTION 11. Said town shall, after its acceptance of this act, at any legal meeting called for the purpose elect

Water commissioners, election, terms, etc.

Water
commissioners,
election, terms,
etc.

by ballot three persons, legal voters of said town, to be the board of water commissioners, to serve one for three years, one for two years and one for one year from the first day of May then next ensuing, and from the time of their election to the first day of said May; and thereafter the town shall annually elect in the same manner one person to serve on said board for the term of three years. Before entering upon their duties said commissioners shall be sworn to the faithful performance thereof. All of said commissioners shall serve until their successors are elected and qualified. All the authority granted to said town by this act and not otherwise especially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may from time to time impose by its vote, within the scope of its authority. Any vacancy occurring in said board from any cause may be filled temporarily by a majority vote of the selectmen of said town. Such person so selected shall hold the office until the town fills the vacancy by ballot in the usual manner, which it may do at any special or annual town meeting duly warned for the purpose. A majority of said commissioners shall constitute a quorum for the transaction of any business.

Vacancy.

To have charge
of water works,
etc.

SECTION 12. Said commissioners shall have the charge of all the system of water works in said town, as aforesaid, and all matters pertaining thereto; but no contract shall be made by said commissioners which shall require the payment of money not provided by the town, or otherwise, for the purpose before the making of such contract. The lawful contracts of said commissioners shall be the contracts of said town.

When to take
effect.

SECTION 13. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon by ballot, as provided by law, at a legal town meeting called for the purpose within five years from its passage; but the number of meetings so called in any year shall not exceed three. The polls shall be kept open from twelve o'clock at noon until four o'clock in the afternoon.

Approved March 30, 1895.

Chap. 192

AN ACT TO SUPPLY THE TOWN OF PAXTON WITH WATER.

Be it enacted, etc., as follows:

Water supply
for town of
Paxton.

SECTION 1. The town of Paxton may supply itself and its inhabitants with water for the extinguishing of fires and

for domestic and other purposes; may establish fountains and hydrants and relocate and discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. The said town, for the purposes aforesaid, and for the purpose of obtaining a supply of water, may draw and convey directly from Asneybumskeit pond, situated in the town of Paxton, so much of the waters thereof and the waters that flow into and from the same as it may require; and it may take by purchase or otherwise and hold any water rights connected with said pond, and any springs and streams tributary thereto, and the water rights connected with any of said sources, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Paxton; and may erect upon the land thus taken or held proper dams, reservoirs, buildings, fixtures or other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over lands, water courses, railroads, public or private ways, and along any such way in such manner as when completed not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways, under the direction of the board of selectmen of the town in which such ways are situated, in such manner as to cause the least hindrance to public travel on such ways: *provided, however*, that there shall be reserved from said waters sufficient for the town of Leicester to supply itself and its inhabitants with water for the extinguishment of fires, for domestic and other purposes whenever the legislature shall grant to said town of Leicester the right to take water from Asneybumskeit pond.

May take certain lands, waters, etc.

May erect buildings, lay down pipes, etc.

May dig up lands, etc., under direction of selectmen.

Proviso.

SECTION 3. Said town of Paxton shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county and district where the same are situated a description thereof sufficiently accu-

Description of lands, etc., to be recorded.

rate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. Said town of Paxton shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town of Paxton under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town of Paxton as to the amount of damages sustained, may have damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within a period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application or assessment shall be made for the taking of any water, water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Paxton Water Loan.

SECTION 5. Said town of Paxton may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate ten thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Paxton Water Loan, shall be payable at the expiration of periods not exceeding thirty years from date of issue, and shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. Said town of Paxton may sell all such securities at public or private sale or pledge the same for money borrowed for the purposes of this act. Said town of Paxton unless it avails itself of the provisions of section six, shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulation thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

SECTION 6. Said town of Paxton instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required shall without further notice be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for annual payments on loan.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

Return to state amount of sinking fund, etc.

SECTION 8. Said town of Paxton shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Payment of expenses, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the said waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to the town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corruption of water, etc.

SECTION 10. Said town of Paxton shall, after the acceptance of this act, at a legal town meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual

Water commissioners, election, terms, etc.

town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said town of Paxton by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town of Paxton may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said town at any legal town meeting held for the purpose.

To be trustees
of sinking fund.

Vacancy.

When to take
effect.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Paxton present and voting thereon at a legal town meeting called for the purpose within five years from its passage; but the number of meetings so called in any year shall not exceed three.

Approved March 30, 1895.

Chap. 193 AN ACT TO FIX THE COMPENSATION OF THE DOORKEEPERS, ASSISTANT DOORKEEPERS, POSTMASTER, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be it enacted, etc., as follows:

Doorkeepers of
senate and
house, compen-
sation.

SECTION 1. The doorkeepers of the senate and house of representatives shall each receive a salary of fifteen hundred dollars a year.

Messengers,
assistant door-
keepers and
postmaster.

SECTION 2. Each messenger of the senate and house of representatives shall receive the sum of eight hundred and fifty dollars in full for all services required of them at the regular annual session of the legislature; and the assistant doorkeepers of the senate and house of representatives, and postmaster, shall receive the same compensation as the messengers and one hundred dollars each in addition for the regular annual session of the legislature.

Pages of senate
and house.

SECTION 3. The compensation of the pages of the senate and house of representatives shall be five hundred and ten dollars each for the regular annual session.

To apply to
current annual
session.

SECTION 4. This act shall apply to the current annual session and shall take effect upon its passage.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 30, 1895.

AN ACT TO PROVIDE FOR THE SEIZURE AND DISPOSITION OF PROPERTY FOUND WHERE OPIUM IS SMOKED OR SOLD OR GIVEN AWAY TO BE SMOKED, AND FOR THE ARREST AND PUNISHMENT OF PERSONS THERE FOUND PRESENT.

Chap. 194

Be it enacted, etc., as follows:

SECTION 1. If a person makes oath before a trial justice, or police, district or municipal court, that he suspects or has probable cause to suspect that any place, house, building or tenement within the jurisdiction of such justice or court is used or resorted to for the purpose of smoking opium or any preparation of opium, or for the purpose of selling or giving away opium or any preparation of opium to be smoked at such place, house, building or tenement, and that persons resort to the same for such purposes, such trial justice or court, whether the names of the persons last mentioned are known to the complainant or not, shall, in case satisfactory evidence is presented, issue a warrant commanding the sheriff or his deputy or any constable or police officer to enter into such place, house, building or tenement and there to arrest the keepers of the premises, and all persons present, whether engaged in smoking or not, if the implements for smoking opium or any preparation of opium are there found, and to take into their custody all the opium or any preparation of opium, and all the implements for smoking opium or any preparation of opium, and all the personal property, furniture and fixtures there found, and to keep said persons, opium, preparation, implements, property, furniture and fixtures so that they may be forthcoming before some court or magistrate, to be dealt with according to law. And whoever is found so smoking or so present shall be punished by fine not exceeding one hundred dollars for every such offence.

Arrest of persons and seizure of property found in places where opium is smoked, etc.

Penalty.

SECTION 2. The provisions of sections five, six, seven, eight, nine and ten of chapter two hundred and twelve of the Public Statutes shall apply to all opium, preparations, implements, property, furniture and fixtures seized under the provisions of section one of this act.

P. S. 212, §§ 5, 6, 7, 8, 9 and 10, to apply.

SECTION 3. No officer searching premises under the authority of this act shall be permitted to use any evidence of any crime which he may discover, other than that of opium smoking, in making further prosecutions against the persons whose premises are searched.

Evidence of other crimes not to be used.

Approved March 30, 1895.

Chap.195 AN ACT TO PROVIDE FOR THE MEDICAL SUPERVISION OF PRISONERS CONFINED IN SOLITARY CELLS FOR PUNISHMENT, IN COUNTY PRISONS.

Be it enacted, etc., as follows:

Medical supervision of prisoners.

SECTION 1. The commissioners of prisons shall make rules from time to time for the several jails and houses of correction, which shall secure such medical examination of and medical authority over prisoners confined in solitary cells for punishment as shall, as far as practicable, prevent injury to the health of such prisoners by such confinement.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1895.

Chap.196 AN ACT RELATIVE TO THE ARRANGEMENT OF NAMES UPON THE OFFICIAL BALLOT.

Be it enacted, etc., as follows:

Arrangement of names on official ballot to fill vacancy.

SECTION 1. The name of any candidate to fill a vacancy in any office to be voted for at any election shall be placed upon the ballot under the designation of said office, to which shall be added the words: — To fill vacancy, — with the term for which such candidate is to be chosen; and the name of such candidate shall be printed in a space separate and distinct from that in which the names of candidates for the full term are printed.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1895.

Chap.197 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A RESERVE POLICE FORCE IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

Reserve police force, appointment, etc.

SECTION 1. The mayor and aldermen of the city of Somerville may from time to time, and under such rules as the civil service commissioners of the Commonwealth prescribe, appoint suitable persons to constitute a reserve police force for said city, who shall at no time exceed ten in number, and who shall be subject to such rules and regulations as the mayor and aldermen may from time to time prescribe, and who may be removed by the mayor and aldermen for any reason satisfactory to them. Said mayor and aldermen may assign the members of said reserve police force to duty in said city whenever and for such time

as they shall deem necessary, and when on duty they shall have and exercise all the powers and duties of the police of said city.

SECTION 2. All appointments upon the regular police force of said city shall be made from the reserve police force, under such rules as the civil service commissioners of the Commonwealth may prescribe; and service on the reserve police force for not less than six months shall be deemed to be equivalent to the probationary period now required by the rules of said commissioners.

Appointments upon regular force to be from reserve.

SECTION 3. The members of the reserve police force shall be paid when on duty such compensation as the city council may from time to time by concurrent vote prescribe.

Compensation of members of reserve force.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1895.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO WIDEN AND LOCATE ANEW WASHINGTON STREET IN SAID CITY AND TO PROMOTE THE ABOLITION OF GRADE CROSSINGS THEREIN.

Chap. 198

Be it enacted, etc., as follows:

SECTION 1. The city of Newton may, for the purposes of widening and locating anew Washington street and abolishing grade crossings in said city, in addition to the powers already vested in it relating to streets, ways and parks therein, including the powers granted by chapter three hundred and twenty-four of the acts of the year eighteen hundred and ninety-four, purchase or otherwise take in fee simple the lands or any of them lying north-erly of the present location and lands of the Boston and Albany railroad in said city, including lands within the location of any public ways. Proceedings for such taking and for determining damages therefor shall be the same as are now provided in the case of laying out ways in said city.

May take certain lands for abolition of grade crossings, etc.

SECTION 2. If said city of Newton shall take so much of the lands aforesaid as lie between Washington street and said railroad, and between Centre street and Chestnut street, as may be necessary for the temporary location hereinafter mentioned, and if the commissioners who may be appointed by the superior court under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts in amendment thereof, for the purpose of determining the method

Making, etc., of slopes on certain land for railroad purposes.

of abolishing grade crossings on the main line of the Boston and Albany railroad in said city, determine that the tracks of the railroad shall be depressed to any extent within the present lines of its location, as a part of the plan of abolishing said crossings, and said determination shall be accepted and adopted by the superior court, said commissioners are hereby authorized, as a part of their decision, to take for railroad purposes the right to make and maintain such slopes upon land of the city of Newton, north of and along the line of the railroad, as said commissioners in their decision may designate, without compensation to said city therefor. The Boston and Albany Railroad Company shall have the right and power, without compensation to said city therefor, to use so much of said lands, and of said Washington street as at present located, as may be necessary for a temporary location of its tracks, stations and appliances and for the purposes of construction and operation of its railroad while work within the lines of its present location in abolishing said grade crossings is in progress.

Certain lands may be used for a temporary location, etc.

City may dispose of certain land, etc.

SECTION 3. If after said grade crossings have been so abolished as aforesaid, and said Washington street shall have been laid out and widened as aforesaid, it shall in the opinion of the city council of said city of Newton not be necessary to retain all of the land taken as aforesaid for the purposes of the widening of said Washington street and abolishing grade crossings, then said city shall be authorized and empowered to sell and dispose of the same, and it is hereby authorized upon said event to convey such lands by good and sufficient deed; and the title thereto shall thereupon vest in the purchasers thereof.

May incur indebtedness, issue bonds, etc.

SECTION 4. To meet the expenses incurred by the city of Newton under the provisions of this act said city may incur indebtedness and may issue notes, bonds or scrip therefor, payable within forty years from the date of issue, signed by the treasurer and countersigned by the mayor, and the same shall not be included in the amount of indebtedness to which said city is limited by the provisions of chapter twenty-nine of the Public Statutes and acts in amendment thereof and in addition thereto. The provisions of said chapter twenty-nine of the Public Statutes and acts in amendment thereof and in addition thereto shall apply to the issue of such bonds, notes or scrip and to the establishment of a sinking fund for the payment thereof at maturity, except so far as is herein otherwise provided.

P. S. 29, etc., to apply.

SECTION 5. Said Boston and Albany Railroad Company is hereby authorized to issue bonds to such an amount, not exceeding thirteen hundred thousand dollars, as the directors shall determine to be reasonably requisite to provide for its share of the expenditure arising under the provisions of this act.

Boston and Albany Railroad Company may issue bonds, etc.

SECTION 6. This act shall take effect upon its passage.

Approved March 30, 1895.

AN ACT FOR THE PROTECTION OF PICKEREL IN THE COUNTY OF
BERKSHIRE.

Chap.199

Be it enacted, etc., as follows:

Whoever takes from the waters of the county of Berkshire a pickerel less than ten inches in length, or sells or offers to sell, or has in his possession, with intent to sell in said county any such pickerel, shall forfeit one dollar for each pickerel so sold or offered or exposed for sale; and in any prosecutions under this act the possession of any pickerel less than ten inches in length shall be prima facie evidence of a violation thereof.

Taking, etc., of pickerel in county of Berkshire restricted.

Approved March 30, 1895.

AN ACT TO INCORPORATE THE FITCHBURG LOAN, TRUST AND SAFETY
DEPOSIT COMPANY.

Chap.200

Be it enacted, etc., as follows:

SECTION 1. Frederic S. Coolidge, Henry A. Goodrich, Festus C. Currier, James Brown, William C. Johnson, Henry G. Green and Gilbert H. Derby, their associates and successors, are hereby made a corporation by the name of Fitchburg Loan, Trust and Safety Deposit Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Fitchburg; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Fitchburg Loan, Trust and Safety Deposit Company incorporated.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1895.

AN ACT RELATIVE TO BANKING HOURS ON SATURDAYS WHICH ARE
NOT HOLIDAYS.

Chap.201

Be it enacted, etc., as follows:

SECTION 1. All bills of exchange, drafts, bank checks and promissory notes made after this act takes effect, and

Presentment of bills and notes.

Presentment by
bills and notes.

presentable for acceptance or payment on any Saturday which is not a holiday according to law, except such as shall be actually presented for acceptance or payment before noon on such Saturday, shall be deemed to be and shall be payable or presentable for acceptance or payment on the next succeeding secular or business day; and for the purpose of protesting or otherwise holding liable any party to any such bill of exchange, draft, check or promissory note made after this act takes effect, and which shall not have been presented for acceptance or payment before twelve o'clock noon on the Saturday not a holiday, when the same is presentable for acceptance or payment, a demand of acceptance or payment thereof may be made on the next succeeding secular or business day, and thereafter notice of protest or dishonor thereof may be given according to law: *provided*, that when any person shall receive for collection any check, draft, bill of exchange or promissory note made after this act takes effect, and due and presentable for acceptance or payment on any Saturday not a holiday, such person shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check, draft, bill of exchange or promissory note on that day; *provided, also*, the same shall be duly presented for payment or acceptance or collection on the next succeeding secular or business day; and *provided, further*, that in construing this section, every Saturday not a holiday according to law shall, until twelve o'clock noon, be deemed a secular or business day, on which such checks, drafts, bills of exchange or promissory notes may be presented for acceptance or payment.

Provisos.

To take effect
June 1, 1895.

SECTION 2. This act shall take effect upon the first day of June in the year eighteen hundred and ninety-five.

Approved March 30, 1895.

Chap. 202 AN ACT TO LESSEN THE BURDEN OF TAXATION UPON CERTAIN DISABLED SOLDIERS AND SAILORS.

Be it enacted, etc., as follows:

Certain
property
of disabled
soldiers and
sailors exempt
from taxation.

SECTION 1. The property, to the amount of two thousand dollars, of every soldier and sailor residing in this Commonwealth who served in the military or naval service of the United States in the war of the rebellion and who was honorably discharged therefrom, and who, by reason of injury received or disease contracted while in

such service and in the line of duty, lost the sight of both eyes, or lost the sight of one eye, the sight of the other having been previously lost, or who lost one or both feet, or one or both hands, or who has become permanently incapacitated for the performance of manual labor to an extent equivalent, in the judgment of the assessors, to the loss of a hand or a foot, shall be exempt from taxation: *provided*, the whole estate, real and personal, of such person does not exceed in value the sum of five thousand dollars, exclusive of property otherwise exempted under the provisions of law. Proviso.

SECTION 2. The certificate of the granting of a pension to any such soldier or sailor by the United States for such injury or incapacity shall, while such pension continues, be sufficient evidence of the receiving of such injury or incapacity. The board of assessors may however receive other evidence. A person aggrieved by the finding or judgment of the assessors under this act may appeal to the county commissioners, within the time and in the manner allowed by law for appeals in respect to an abatement of taxes. Pension certificate to be evidence of incapacity, etc.

SECTION 3. Chapter three hundred and fifteen of the acts of the year eighteen hundred and ninety-four is hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1895.

AN ACT TO REGULATE THE FISHERIES IN SWAN POND RIVER.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Dennis, or a majority of them, shall annually, on or before the twentieth day of April in each year, prescribe the times, places and manner of taking herring or alewives, perch, salmon, eels and trout in Swan Pond river, at the mouth thereof or in the ponds and streams connected therewith, and they may appoint some suitable person or persons to take the same, and shall fix the compensation to be paid therefor; or may grant permits to suitable persons, being inhabitants of said town, to catch any of said fish in the said river or the ponds and streams connected therewith, and fix the compensation to be paid to said town for such permits, and shall determine the quantity of said fish which each family in said town shall receive from such catches, and establish the price therefor; and may sell, at auction Selectmen of Dennis to regulate fisheries in Swan Pond river, etc.

Chap. 203

Proviso.	or otherwise, the right of fishing in said river and its waters to one or more persons, for a term of not more than five years at one sale, upon such terms and conditions as the said town or said selectmen may direct: <i>provided</i> , that nothing in this section shall be construed to prevent any person, being an inhabitant of said town, from taking fish with natural or artificially baited hook and hand line, under such regulations as said selectmen may prescribe.
Proceeds.	SECTION 2. The net proceeds of the said fisheries shall be paid to the treasurer of said town.
To remove obstructions, etc., from passageways, etc.	SECTION 3. The said selectmen, or a majority of them, are hereby authorized and empowered to cause the natural streams through which the said fish pass to be kept open and without obstruction; to remove such obstruction as may be found therein and to make the passageways wider and deeper if they shall judge necessary. And the said selectmen, or either of them, by paying a reasonable consideration therefor if demanded, shall have authority for said purpose to go on the land of any person through which said stream runs without being considered as trespassers, and any person who molests or in any way hinders the said selectmen, or either of them, in the execution of the duties of their office, or obstructs any passageway in said Swan Pond river or in the ponds or streams connected therewith, otherwise than as allowed by said selectmen, shall be punished by a fine not exceeding twenty dollars for every such offence.
Penalty.	SECTION 4. Whoever takes any herrings or alewives, perch, salmon, eels or trout in Swan Pond river or in the ponds and streams connected therewith, or within half a mile in any direction from the mouth of the said river, at any time or place or in any manner other than may be allowed by said selectmen, shall for each offence be punished by fine not exceeding ten dollars if the quantity of fish so taken is less than one barrel, but if the quantity of fish so taken is one barrel or more shall be punished by fine not exceeding forty dollars, and not less than ten dollars for each barrel of fish so taken.
Penalty for unlawful taking of fish, etc.	SECTION 5. If any vessel, boat or craft shall be found within the limits of said river or the pond or streams connected therewith, or within half a mile of the mouth of the said river, with any more of said fish on board the same than is allowed by said selectmen, or if any person
Certain vessels, seines, etc., may be seized.	

or persons with any such vessel, boat or craft shall be detected in taking or in attempting to take any of said fish in any manner different from that prescribed by said selectmen, or with seines, nets or with other instruments of a kind or size different from that established by said selectmen, it shall be the duty of said selectmen, or either one of them, to seize such vessel, boat or craft, seine or other instruments, and detain the same not exceeding forty-eight hours, in order that the same may be attached by due process of law and made answerable for the fines and forfeitures incurred with cost of suit.

SECTION 6. One half of all fines and forfeitures incurred under this act shall accrue to said town of Dennis, and the other half to the persons who shall prosecute for the same, excepting that when said selectmen, or either one of them, shall prosecute for such fines and forfeitures they shall accrue wholly to the said town, to be recovered by complaint in any court having jurisdiction of the same.

Fines and
forfeitures.

Approved March 30, 1895.

AN ACT TO AUTHORIZE THE TOWN OF NORTH ATTLEBOROUGH TO INCREASE ITS WATER SUPPLY.

Chap. 204

Be it enacted, etc., as follows:

SECTION 1. The town of North Attleborough, for the purpose of furnishing itself and its inhabitants with an additional supply of water for the extinguishment of fires and for domestic and other purposes, may take and hold the water, water sources and any water rights connected therewith of the Ten Mile river in the town of Wrentham; and may take and hold by purchase or otherwise any lands, rights of way and easements necessary for the preservation and purity of said waters and for conveying the same to any part of said town of North Attleborough; and may make excavations and erect and maintain on the land thus taken, dams, reservoirs, buildings, fixtures and other structures necessary for the taking and distribution of said waters.

Additional
water supply
for North
Attleborough.

SECTION 2. Said town of North Attleborough, in the prosecution of said work and for the purposes aforesaid, and for the purpose of connecting the water works now owned by it with the water and water sources granted in this act, may lay and maintain conduits, pipes or other works over or under any water course, street, railroad, highway or other way, or any public or private lands, and

May lay and
maintain con-
duits, pipes, etc.

along any such way in such manner as not unnecessarily to obstruct the same, and in general may do any other acts or things necessary and proper for the carrying out of said purposes; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, may enter upon and dig up any such lands, and, under the direction of the selectmen of the town of Wrentham, may enter upon and dig up any such ways in said town of Wrentham in such manner and with such care as not to render such lands and ways unsafe or unnecessarily inconvenient for those entitled to use the same, and shall restore the same to as good order and condition as they were in before such digging commenced.

May dig up ways in Wrentham under direction of selectmen.

Description of lands, etc., to be recorded.

SECTION 3. Said town of North Attleborough shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by its water commissioners; and the title of all lands so taken shall vest in said town of North Attleborough.

Water commissioners.

SECTION 4. Said town of North Attleborough shall exercise the rights, powers and authority granted by this act, by its board of water commissioners, subject to the duties, liabilities and restrictions herein contained, who shall be governed by such instructions, rules and regulations as said town may by vote impose.

Damages.

SECTION 5. Said town of North Attleborough shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or any other thing done by said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no application shall be made after the expiration

of said three years. No application for assessment of damages shall be made for the taking of any water, water right or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 6. Said town of North Attleborough may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to any amount not exceeding in the aggregate thirty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words, North Attleborough Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer and be countersigned by the selectmen of the town of North Attleborough. The said town of North Attleborough may sell such securities at public or private sale or pledge the same for money borrowed for the purpose of this act, and upon such terms and conditions as it may deem proper. The said town of North Attleborough shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

North
Attleborough
Water Loan.

Sinking fund.

SECTION 7. Said town of North Attleborough instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town of North Attleborough in each year thereafter until the debt incurred shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide
for annual pay-
ments on loan.

SECTION 8. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in

Return to state
amount of sink-
ing fund, etc.

accordance with the provisions of section six of this act, and shall also state the amounts raised and applied thereunder for the current year.

Payment of expenses, etc.

SECTION 9. Said town of North Attleborough shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town of North Attleborough, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for corruption of water, etc.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town of North Attleborough three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water supply for Plainville, etc.

SECTION 11. Nothing in this act shall be construed to prevent the village of Plainville in said town of Wrentham, or any fire district or corporation hereafter organized in said village for the purpose, from supplying itself or its inhabitants with pure water for the extinguishment of fires and for domestic and other purposes from the water and water sources herein granted to the town of North Attleborough.

Approved March 30, 1895.

Chap. 205 AN ACT TO AUTHORIZE THE TOWN OF UXBRIDGE TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows:

Additional water supply for Uxbridge.

SECTION 1. The town of Uxbridge is hereby authorized, for the purpose of furnishing an additional supply of water to its inhabitants for fire, domestic and other purposes, except for manufacturing or power purposes, to draw and convey from Mendon pond, so-called, lying in the town of Mendon, so much of the waters thereof and the waters that flow into and from the same as it may require; and it may take by purchase or otherwise and hold any water rights connected with said pond, and any land

or lands on the shores of or surrounding said pond, which it may deem necessary for the preservation of the purity of the water or which it may desire to use for the purpose of raising the water level or increasing the storage capacity of said pond; and may also take by purchase or otherwise all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same into any part of said town of Uxbridge; and may erect upon the lands thus taken or held proper dams, reservoirs, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under, over or upon any lands, water courses, railroads or public or private ways, in such manner as when completed shall not unnecessarily obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all purposes of this act, said town of Uxbridge may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

Additional
water supply
for Uxbridge.

May erect
buildings, lay
down pipes, etc.

May dig up
lands, etc.,
under direction
of selectmen.

SECTION 2. Said town of Uxbridge shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Description of
lands, etc., to
be recorded.

SECTION 3. Said town of Uxbridge shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or any other thing done by said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making

Damages.

application at any time within one year from the taking of such land or other property or the doing of any other injury under the authority of this act; but no application shall be made after the expiration of said one year. No application for assessment of damages shall be made for the taking of any water or water rights, or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Uxbridge
Water Loan.

SECTION 4. Said town of Uxbridge may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate eighty thousand dollars; such bonds, notes or scrip shall bear on their face the words, Uxbridge Water Loan; shall be payable at the expiration of periods not exceeding forty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum, and shall be signed in the name of said town by its treasurer, and be countersigned by the water commissioners hereinafter provided for. Said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

May provide
for annual pay-
ments on loan.

SECTION 5. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return to state
amount of sink-
ing fund, etc.

SECTION 6. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the

amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of section five of this act, and shall also state the amounts raised and applied thereunder for the current year.

SECTION 7. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act. Said town is further authorized, by a two thirds vote of the voters of said town present and voting at any legal town meeting, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding five thousand dollars in any one year.

Payment of expenses, etc.

SECTION 8. Whoever wantonly or wilfully corrupts, pollutes or diverts any of the waters taken or held under this act, or under rights acquired by said town from the Uxbridge Water Company, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, or under rights acquired from said water company, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corruption of water, etc.

SECTION 9. Said town shall, after the acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot to hold office for the term of three years. All the authority granted to the town by this act and not otherwise specifically provided for, and all the authority acquired by said town through its purchase of the property and rights of the Uxbridge Water Company, shall be vested

Water commissioners, election, terms, etc.

in said board of water commissioners, but said commissioners shall be subject however to such instructions, rules and regulations as said town may impose by its vote; and said commissioners shall be trustees of the sinking fund herein provided for and of the sinking fund now provided for the water loan now outstanding of said town, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking funds. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To be trustees
of sinking fund.

Vacancy.

Certain rights
of Mendon not
affected.

SECTION 10. Nothing in this act shall be so construed as to preclude the town of Mendon, having received due authority from the legislature, from taking the waters of said Mendon pond for the use of its inhabitants for domestic, fire or other purposes, whenever the said town may legally elect so to do; or to preclude said town of Mendon from all the rights and privileges granted by section one of this act to the town of Uxbridge. And nothing in this act shall be so construed as to prevent the inhabitants of the town of Mendon from taking from Mendon pond so much of the waters in this act granted as shall be necessary for extinguishing fires and for all ordinary farm, domestic and household purposes, and for the generation of steam; or from cutting and carrying away ice from said pond.

When to take
effect.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Uxbridge present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Approved March 30, 1895.

Chap. 206 AN ACT RELATIVE TO THE INCOME FROM THE WATER SUPPLIES OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1892, 213, § 1,
amended.

SECTION 1. Section one of chapter two hundred and thirteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out all after the word "pipes", in the eleventh line, and inserting in place thereof the words: — and such other purposes connected with the water supplies of said city as the city council may determine, — so as to read as follows: —

Section 1. The board or authority having for the time being charge of the water supplies of the city of Boston shall fix the prices, or rents for the use of water from said supplies; and the income received therefrom, after deducting all expenses and charges of distribution, shall be applied, — first, to the payment of the interest on the loans incurred for furnishing and developing said supplies, — second, to the payment of the sinking fund requirements for said loans, in accordance with the provisions of chapter twenty-nine of the Public Statutes, — third, to the purchase and laying of water pipes and such other purposes connected with the water supplies of said city as the city council may determine.

Income from water supplies of city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1895.

AN ACT RELATIVE TO REGISTRARS OF VOTERS.

Chap. 207

Be it enacted, etc., as follows:

SECTION 1. Section thirty-five of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting in the sixth line, after the word “peace”, the words: — notary public, — so as to read as follows: — *Section 35.* No person shall be appointed a registrar of voters or an assistant registrar of voters, who is not a qualified voter of the city or town for which he is appointed, and no person shall be so appointed who holds an office by election or appointment under the government of the United States or, except as a justice of the peace, notary public, or an officer of the state militia, of the Commonwealth, or who holds an office in the city or town for which he is appointed either by election or by direct appointment of the mayor of the city or of the selectmen of the town. The acceptance by a registrar or assistant registrar of an office which he is so prohibited from holding, shall be taken to be a resignation of his office as registrar or assistant registrar.

1893, 417, § 35, amended.

Registrars of voters not to hold other office, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1895.

AN ACT TO CONFIRM THE ORGANIZATION AND THE ACTS OF THE CHRISTIAN CAMP MEETING ASSOCIATION.

Chap. 208

Be it enacted, etc., as follows:

SECTION 1. The incorporation of the Christian Camp Meeting Association is hereby ratified, confirmed and made valid, notwithstanding any informality, inaccuracy or mis-

Incorporation of Christian Camp Meeting Association confirmed.

statement in the records of said corporation; and all the acts and proceedings of said corporation since the date of its incorporation are hereby ratified and confirmed and made valid; and said corporation is hereby granted all general powers, rights and privileges vested in corporations organized under chapter one hundred and fifteen of the Public Statutes and acts in amendment thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1895.

Chap. 209

AN ACT RELATIVE TO INSOLVENT DEBTORS.

Be it enacted, etc., as follows:

Creditors may apply for the seizure and distribution of estate of certain debtors.

SECTION 1. If a person arrested on mesne process in a civil action for the sum of one hundred dollars or upwards, founded upon a demand in its nature provable against the estate of an insolvent debtor, has not given bail therein on or before the return day of such process, or has been actually imprisoned thereon for more than thirty days; or if a person whose goods or estate are attached on mesne process in such action founded upon such contract has not before the return day of such process dissolved the attachment in the manner provided by law; or if a person has removed himself or any part of his property from the state, with intent to defraud his creditors; or has concealed himself to avoid arrest, or any part of his property to prevent its being attached or taken on a legal process; or procured himself or his property to be arrested, attached, or taken on any legal process; or made a fraudulent payment, conveyance, or transfer of any part of his property; or, being a banker, broker, merchant, trader, manufacturer, contractor, builder or miner, has fraudulently stopped payment, or has stopped or suspended and not resumed payment of his commercial paper within a period of fourteen days; any three or a less number of his creditors whose claims or combined claims provable against his estate amount to one hundred dollars may, within ninety days thereafter, or in the case of any such fraudulent conveyance of real estate, within ninety days after the same has been recorded, if the debtor has resided in the state within one year, apply by petition to the judge for the county in which the debtor has last resided, or had a usual place of business, for three consecutive months before the application, if he has resided, or had a usual place of business, for that time in any county, otherwise to the

judge for the county within which he resides or last resided, or has or last had a usual place of business, setting forth the facts and the nature of their claims, verified by oath, and praying that his estate may be seized and distributed according to the provisions of chapter one hundred and fifty-seven of the Public Statutes and acts in amendment thereof and in addition thereto.

SECTION 2. Section one hundred and twelve of chapter one hundred and fifty-seven of the Public Statutes, chapter four hundred and thirty-one of the acts of the year eighteen hundred and ninety, section two of chapter four hundred and five of the acts of the year eighteen hundred and ninety-three and chapter two hundred and sixty-one of the acts of the year eighteen hundred and ninety-four are hereby repealed. Repeal.

Approved April 4, 1895.

AN ACT RELATIVE TO ACCOUNTS IN PROBATE COURTS.

Chap. 210

Be it enacted, etc., as follows:

SECTION 1. All accounts rendered to probate courts by executors, administrators, trustees and guardians shall be for a period distinctly stated therein, and shall consist of not less than three schedules, one schedule showing the amount of the personal property according to the inventory, or in place thereof the amount of the balance of the previous account rendered, as the case may be, and all income and other property received and all gains from the sale of any property or otherwise; a second schedule showing payments, charges, losses and distributions, and a third schedule showing the investment of the balance of such account, if any, and changes of investment. All accounts of trustees shall state separately the receipts of income and principal; and payments and charges on account of such income and principal shall also be separately stated. Schedules of accounts of executors, etc.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1895.

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO TAKE LAND FOR THE ERECTION OF PUBLIC SCHOOL BUILDINGS. *Chap. 211*

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield, acting by its board of aldermen, is hereby authorized to take, by pur- May take certain real estate, etc.

chase or otherwise, in fee, at any time within the period of one year from the passage of this act, the whole or any part of certain real estate in said city bounded northerly by State street, easterly by land of James W. Kirkman, southerly by Temple street, and westerly by land of said city; said real estate so taken to be used in connection with said real estate of said city, for the erection of a building or buildings to be used for public school purposes.

Description of
land to be
recorded.

SECTION 2. The order for such takings shall be approved by the mayor, who, within thirty days from his approval of any such order, shall file and cause to be recorded in the registry of deeds for the county of Hampden a description of the land so taken, sufficiently accurate for identification, with his statement of the purpose for which such lands were taken under this act.

Damages.

SECTION 3. The city of Springfield shall pay all damages sustained by any person by the taking of lands or other property hereunder. Any person sustaining damages as aforesaid, who fails to agree with the city as to the amount of damage sustained, may have his damages assessed and determined in the manner provided by law where land is taken for the laying out of highways, on application at any time within the period of one year from the taking of such land or property.

City may offer
a specified sum,
etc.

SECTION 4. In every case of a petition for the assessment of damages, or for a jury hereunder, the said city may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the one offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and the complainant if he recovers damages shall be allowed costs only to the date of the offer, unless the damages so recovered shall be in excess of the amount offered by said city as aforesaid.

Approved April 4, 1895.

Chap. 212 AN ACT RELATIVE TO THE PAYMENT BY THE COMMONWEALTH OF THE TUITION OF CHILDREN ATTENDING SCHOOL OUTSIDE OF THE TOWN IN WHICH THEY RESIDE.

Be it enacted, etc., as follows:

Expenses on
account of tui-
tion of children

SECTION 1. Any town, the valuation of which does not exceed five hundred thousand dollars, shall be entitled

to receive from the treasury of the Commonwealth all necessary sums which have been actually expended under the provisions of section one of chapter four hundred and thirty-six of the acts of the year eighteen hundred and ninety-four, and which shall be certified under oath to the state board of education by the school committee of such town, within thirty days next following that in which the expenditure is made.

to be reim-
bursed in
certain cases.

SECTION 2. This act shall not apply except when such high school shall have been approved by the state board of education.

High schools to
be approved.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1895.

AN ACT RELATIVE TO THE LICENSING AND REGULATING OF STABLES
IN CITIES.

Chap. 213

Be it enacted, etc., as follows :

SECTION 1. No person shall hereafter erect, occupy or use for a stable any building in any city whose population exceeds fifty thousand, unless first licensed so to do by the board of health of said city, and in such case only to the extent so licensed.

The erection,
etc., of stables
in certain cities
regulated.

SECTION 2. The foregoing provisions shall not be construed to prevent any such occupation and use which may be authorized by law at the time of the passage of this act, to the extent and by the person or persons so authorized : *provided, however,* that the board of health of any such city may make such regulations or orders respecting the drainage, ventilation, number of animals, and the storage and handling of manure, in any existing stables in their respective cities as in their judgment the public health requires.

Occupation of
certain build-
ings not
affected.

Proviso.

SECTION 3. Whoever violates the provisions of this act or of any regulation or order made pursuant thereto, shall be punished by a fine of five dollars for each day such offence continues ; and any court having equity jurisdiction may restrain any such erection, occupation or use contrary to the provisions of this act.

Penalty, etc.

Approved April 4, 1895.

AN ACT TO INCREASE THE ANNUAL APPROPRIATION FOR THE WORK
OF THE DAIRY BUREAU OF THE STATE BOARD OF AGRICULTURE.

Chap. 214

Be it enacted, etc., as follows :

SECTION 1. The dairy bureau of the state board of agriculture may expend a sum not exceeding seven thousand dollars annually in carrying forward the work of said

Dairy bureau.

bureau, subject to the provisions of chapter four hundred and twelve of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof and in addition thereto.

Repeal.

SECTION 2. So much of section eight of said chapter as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1895.

Chap. 215 AN ACT RELATIVE TO THE JURISDICTION OF PROBATE COURTS AND COURTS OF INSOLVENCY.

Be it enacted, etc., as follows:

Certain courts to be always open except on holidays.

SECTION 1. For matters in equity, for all hearings, for proceedings in contempt, and for making orders and decrees in such matters, the probate courts and the courts of insolvency in each county shall always be open except on holidays established by law.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1895.

Chap. 216 AN ACT TO EXEMPT THE COUNTY OF BARNSTABLE FROM ESTABLISHING A TRUANT SCHOOL.

Be it enacted, etc., as follows:

To be exempt from provisions of 1894, 498, § 16, etc.

SECTION 1. The county of Barnstable shall be exempt from the provisions of section sixteen of chapter four hundred and ninety-eight of the acts of the year eighteen hundred and ninety-four and acts in amendment thereof and in addition thereto.

County commissioners may assign a truant school, etc.

SECTION 2. The county commissioners of the county of Barnstable may assign any truant school established by law in this Commonwealth as the place of confinement, discipline and instruction of children convicted under the provisions of sections nineteen and twenty-one of chapter four hundred and ninety-eight of the acts of the year eighteen hundred and ninety-four and acts in amendment thereof and in addition thereto; and shall pay for their support in said school such reasonable sum as the commissioners having control of said school may determine. A sum not exceeding two dollars a week for each child, of the amount so paid for the support of any child, may be recovered by the county of Barnstable from the town in which said child resides.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1895.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO PAY INTEREST ON PUBLIC GIFTS IN CERTAIN CASES. Chap.217

Be it enacted, etc., as follows:

SECTION 1. Any city acting through its city council, or any town at a town meeting legally called and held, may contract to pay interest at a rate not exceeding four per cent. per annum during the life or lives of any person or persons in being at the time of entering into such contract, upon the amount of any cash gift which it may lawfully receive.

Cities and towns may pay interest on certain cash gifts.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1895.

AN ACT RELATIVE TO SENTENCES TO THE REFORMATORY PRISON FOR WOMEN. Chap.218

Be it enacted, etc., as follows:

SECTION 1. A convict shall not be sentenced to imprisonment in the reformatory prison for women for a less time than one year, except as provided in chapter two hundred and sixty of the acts of the year eighteen hundred and ninety-four.

Sentences to reformatory prison for women.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 4, 1895.

Repeal.

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO CONSTRUCT A SYSTEM OF SEWERAGE. Chap.219

Be it enacted, etc., as follows:

SECTION 1. The city of Taunton is hereby authorized, through a board of commissioners hereinafter provided for, to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, and also a system of sewage disposal for said city, to be constructed, maintained and operated in connection with its main drains and common sewers hereby authorized, when adopted by its city council. Any such system or systems of sewerage or sewage disposal shall be subject to the approval of the state board of health before their final adoption by said city council, after due notice to all parties interested therein.

City of Taunton may lay out, construct, etc., a system of sewerage, etc.

To be approved by state board of health.

SECTION 2. Said board shall consist of three commissioners, who shall be citizens of said city and shall be appointed by the mayor subject to confirmation or rejection

Commissioners, appointment, terms, etc.

by the board of aldermen. They shall hold their offices, one for the term of one year, one for the term of two years and one for the term of three years from the first day of February preceeding their appointment and until their successors are appointed and qualified; and thereafter, in the month of January in each year, one person shall be appointed as a member of such board, who shall hold his office for three years from the first day of February then next ensuing.

Powers,
duties, etc.

SECTION 3. Said commissioners shall have all the powers and be subject to all the duties and liabilities now conferred or imposed upon the mayor and aldermen by the charter of said city and by the statutes of the Commonwealth, relating to drains and common sewers and the disposal of sewage. Said commissioners shall annually, in the month of February, appoint a clerk, and may appoint, but not from their own number, a superintendent of sewers, and may remove said clerk and superintendent at their pleasure. The compensation of said clerk and superintendent shall be fixed by the city council.

Not to make
certain contracts
until appropriation
is made, etc.

SECTION 4. All contracts made by said commissioners for the purposes of this act shall be the contracts of the city, but no contract shall be made by said commissioners which requires the expenditure of money until an appropriation therefor has been made by the city council. Said commissioners shall be subject to such ordinances, rules, regulations and orders as the city council may from time to time make or establish, and shall be subject to removal by the mayor for cause. Any vacancy in said board shall be filled by appointment to be made by the mayor, subject to confirmation or rejection by the board of aldermen.

Vacancy.

When to take
effect.

SECTION 5. This act shall take effect when accepted by the city council of the city of Taunton, but shall be void if not accepted within one year after its passage.

Approved April 4, 1895.

Chap. 220

AN ACT RELATIVE TO THE ELECTION OF CERTAIN OFFICERS AND THE ASSESSMENT OF TAXES IN CITIES WHOSE WARD LINES HAVE BEEN CHANGED.

Be it enacted, etc., as follows:

Ward lines existing previous to new division to continue for certain purposes.

SECTION 1. For the purposes of all elections in the year of any new division of a city into wards, including elections of representatives to the general court, members of the common council, and other officers, and for the

purposes of any election held prior to the annual state election in the next succeeding year for filling a vacancy among officers so elected, or a vacancy caused by failure to elect, and for the purposes of assessing taxes in the year eighteen hundred and ninety-five, the wards and voting precincts as existing previous to such new division shall continue, and for such purposes the election officers shall be appointed and hold office, and voting lists shall be prepared for each such voting precinct, and all other things required by law shall be done as if no such division had been made.

SECTION 2. Section ninety-nine of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1895.

AN ACT TO AUTHORIZE THE TOWN OF READING TO INCUR IN- Chap. 221
DEBTEDNESS FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Reading, for the purpose of acquiring land for a new school building and for erecting and furnishing said building, may incur indebtedness to an amount not exceeding forty thousand dollars, and may issue negotiable bonds or certificates of indebtedness therefor, payable in periods not exceeding twenty years from the date of issue. May incur indebtedness, issue bonds, etc.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, except so far as herein otherwise provided, shall apply to the issue of such bonds or certificates of indebtedness: *provided*, that the said town instead of establishing a sinking fund may by a majority vote at any time within three years from the first issuance of the loan provide for the payment of such bonds or certificates of indebtedness in such proportionate payments as will extinguish the same within the time prescribed by this act; and when such vote has been passed the amount required shall without further vote be assessed by the assessors in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes. P. S. 29 and 1884, 129, to apply, etc.
Proviso.

Return to state
amount of sink-
ing fund, etc.

SECTION 3. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section and the amount raised and applied thereunder for the current year.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1895.

Chap.222

AN ACT TO AUTHORIZE THE TOWN OF GRANVILLE TO REFUND A PORTION OF ITS INDEBTEDNESS.

Be it enacted, etc., as follows :

May issue
bonds, notes or
scrip, etc.

SECTION 1. The town of Granville, for the purpose of refunding a portion of its existing indebtedness, may issue bonds, notes or scrip to an amount not exceeding ten thousand dollars, payable in periods not exceeding ten years from the date of issue, and bearing interest payable semi-annually at a rate not exceeding four per cent. per annum. Said bonds may be sold at public or private sale and the proceeds shall be used to discharge an equal amount of the existing indebtedness of said town. The provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall in all other respects, so far as applicable, apply to the indebtedness authorized by this act and the securities issued therefor.

P. S. 29, etc.,
to apply.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1895.

Chap.223

AN ACT TO AUTHORIZE THE NEW ENGLAND CONSERVATORY OF MUSIC TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows :

May hold
additional
estate.

SECTION 1. The New England Conservatory of Music is hereby authorized to hold real and personal estate to the amount of fifteen hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1895.

Chap.224

AN ACT RELATIVE TO CERTAIN DISCRETIONARY SENTENCES AND COMMITMENTS TO THE HOUSE OF INDUSTRY IN BOSTON.

Be it enacted, etc., as follows :

May sentence
to imprisonment
in house of

SECTION 1. In all cases in which municipal or district courts in the city of Boston are authorized to sentence to

imprisonment in the house of correction or county jail, or to commit thereto for non-payment of fine or expenses of prosecution, said courts may instead, at their discretion, sentence to imprisonment in the house of industry of said city or commit thereto. industry in certain cases.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1895.

AN ACT TO EXTEND THE TIME WITHIN WHICH CERTAIN DEBTS INCURRED BY THE TOWN OF PLYMOUTH MAY BE MADE PAYABLE. Chap. 225

Be it enacted, etc., as follows :

SECTION 1. The town of Plymouth is hereby authorized, when contracting debts for the purposes of school lots, for the construction of school buildings, for the laying out, altering or widening of ways, and for paving or macadamizing streets in said town, to make all such debts payable within a period not exceeding thirty years. Time of payment of certain debts extended.

SECTION 2. This act shall take effect when accepted by the town of Plymouth. When to take effect.

Approved April 4, 1895.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO REFUND ITS INDEBTEDNESS. Chap. 226

Be it enacted, etc., as follows :

SECTION 1. The town of Plymouth, for the purpose of refunding its existing indebtedness, may from time to time issue bonds, notes or scrip therefor, to an amount not exceeding two hundred thousand dollars, payable at periods not exceeding thirty years from the date thereof. Said bonds, notes or scrip shall bear interest payable semi-annually at a rate not exceeding four and one half per cent. per annum and may be sold or negotiated at public or private sale upon such terms and conditions as said town may deem proper. May issue bonds, notes or scrip, etc.

SECTION 2. Said town shall, at the time of authorizing the issue of said bonds, notes or scrip, provide for the payment thereof in annual payments of such sums as will in the aggregate extinguish the same within the time prescribed in this act. To provide for annual payments on loan.

SECTION 3. The provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof shall in all other respects apply to the issue of said bonds, notes or scrip. P. S. 29, etc., to apply.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1895.

Chap. 227

AN ACT RELATIVE TO LAYING SEWERS IN PRIVATE STREETS.

Be it enacted, etc., as follows:

Laying of main drains, etc., in private streets may be regulated.

Any city or town may, if the city council of such city or the legal voters of such town so vote, provide by ordinance or by-law, with a penalty not exceeding twenty dollars for its violation, that every sewer or drain laid in any land or street or way, public or private, opened or proposed to be opened for public travel and accommodation, shall be deemed to be a main drain or common sewer, and that no such drain or sewer shall be laid or connected with any existing common sewer, except by the board or officers of such town or city authorized to lay, make and maintain main drains or common sewers. When such sewer or drain is laid in any private way or land at the expense of the owner or owners of such private way or land, such owner or owners shall not be liable to any assessment levied or to be levied for such sewer or drain, except for the cost of connecting such sewer or drain with common sewers or drains already established.

*Approved April 4, 1895.**Chap. 228*

AN ACT TO PROVIDE GREATER SECURITY AGAINST ACCIDENTS FROM ELECTRIC WIRES.

Be it enacted, etc., as follows:

Certain poles and posts to be insulated.

SECTION 1. All poles and posts used for the transmission of electricity shall be insulated in such manner as to protect employees and other persons from accidents.

Enforcement of provisions, etc.

SECTION 2. It shall be the duty of the inspector of wires appointed, or who may be appointed, under the authority of chapter four hundred and four of the acts of the year eighteen hundred and ninety and acts amendatory thereof, or the commissioner of wires of the city of Boston, to enforce the provisions of this act, and said inspector or commissioner shall be deemed the sole judge of what constitutes a proper insulation.

Penalty.

SECTION 3. Any person or corporation owning poles or posts used for the transmission of electricity, who fails to comply with the provisions of section one of this act, shall be punished by fine of not less than ten dollars nor more than one hundred dollars for every pole left uninsulated within a reasonable time after the request of the inspector or commissioner acting under section two of this act.

Approved April 4, 1895.

AN ACT TO LOCATE AND DEFINE THE BOUNDARY LINE BETWEEN THE CITY OF WALTHAM AND THE TOWN OF LEXINGTON. Chap. 229

Be it enacted, etc., as follows:

SECTION 1. The commissioners on the topographical survey and map of Massachusetts, after hearing parties interested, upon proper notice, are hereby authorized and directed to locate and define the true boundary line between the city of Waltham and the town of Lexington, and to mark said boundary line by appropriate monuments. The boundary line thus located and defined shall be the true and correct boundary line between said city of Waltham and said town of Lexington.

Boundary line between Waltham and Lexington to be defined.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1895.

AN ACT TO AUTHORIZE THE LEICESTER WATER SUPPLY DISTRICT TO INCREASE ITS WATER SUPPLY AND MAKE AN ADDITIONAL WATER LOAN. Chap. 230

Be it enacted, etc., as follows:

SECTION 1. The Leicester Water Supply District, for the purposes named in section one of chapter one hundred and seventy-one of the acts of the year eighteen hundred eighty-eight, and subject to the conditions and restrictions contained in said chapter, may take and hold so much of the waters of Asnebumskit pond, so-called, in the town of Paxton, and the water sources connected therewith, as may not be needed for a water supply for the inhabitants of said town.

May take and hold certain waters, etc.

SECTION 2. Said water supply district, for the purpose of paying all expenses and liabilities incurred under the provisions of said chapter and of this act, may issue bonds, notes or scrip, subject to the conditions and restrictions contained in said chapter, to an amount which together with the amounts heretofore authorized by law shall not exceed in the aggregate the sum of eighty-five thousand dollars.

May issue bonds, notes or scrip, etc.

SECTION 3. Said Leicester Water Supply District, whenever it constructs a pumping station for an additional water supply from Asnebumskit pond, is hereby authorized to contract with the town of Paxton or a private company for the use of said pumping station, to furnish water to the inhabitants of said Paxton, whenever said town or a private company shall decide to construct

May contract for use of pumping station.

a system of water works, said pumping station to be so used not to exceed one day in seven, and the compensation to be paid by said town or private company for said use, not to exceed the actual cost of pumping while so used.

When to take effect.

SECTION 4. This act shall take effect upon its passage, but shall become void unless accepted by a two thirds vote of the legal voters of said Leicester Water Supply District present and voting thereon at any legal meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Approved April 4, 1895.

Chap. 231

AN ACT TO AUTHORIZE CERTAIN CHANGES IN THE HAVERHILL BRIDGE ACROSS THE MERRIMACK RIVER BETWEEN HAVERHILL AND BRADFORD.

Be it enacted, etc., as follows:

May make certain changes in the Haverhill bridge.

SECTION 1. The city of Haverhill and town of Bradford are hereby authorized, as soon as may be after the passage of this act, to make such changes in the Haverhill bridge across the Merrimack river, between the city of Haverhill and the town of Bradford, as may be deemed necessary to strengthen said bridge and make the same reasonably safe and convenient for all purposes of public travel, including its use for the electric cars of the Lowell, Lawrence and Haverhill Street Railway Company.

Procedure in case city or town fails to coöperate

SECTION 2. If either said city or said town refuses or neglects to coöperate with the other in making the changes in said bridge, authorized by the preceding section, for thirty days after notice from the other party that it desires to make such changes, then the city or town which gives such notice is hereby authorized to make such changes throughout the whole length of said bridge, without the coöperation of the other party; but said other party shall nevertheless pay its proportionate share of the expenses incurred in making such changes as herein-after provided.

Notice to be in writing, etc.

SECTION 3. The notice specified in the second section of this act shall be in writing, and if given by the city of Haverhill shall be signed by the mayor of said city, and if given by the town of Bradford shall be signed by a majority of the selectmen of said town.

Cost not to exceed \$9,000, etc.

SECTION 4. The authority granted by this act shall not be exercised unless said changes can be made complete at

a cost not to exceed nine thousand dollars. And it is further provided that said Lowell, Lawrence and Haverhill Street Railway Company, or some person or corporation in its behalf, shall before the work of making such changes is commenced secure the payment to said city of Haverhill or town of Bradford of four thousand dollars of the expenses to be incurred in making such changes.

SECTION 5. The expense incurred in making the changes in said bridge, authorized by this act, above any amount paid by or on behalf of the Lowell, Lawrence and Haverhill Street Railway Company, as provided in the preceding section, shall be paid by said city of Haverhill and town of Bradford in the following proportions, namely: One half by said city of Haverhill and one half by said town of Bradford; and if either pays more than its proportionate share, as aforesaid, it may recover from the other in an action of contract the amount so overpaid.

Apportionment of expense.

SECTION 6. Said city of Haverhill and town of Bradford are respectively authorized to borrow such sums of money as either may require from time to time to pay any expenses incurred under the provisions of this act, and may by ordinary vote authorize the issue of bonds, notes or scrip therefor, to be denominated, Bridge Improvement Loan, Act of 1895. Such bonds, notes or scrip issued by said city of Haverhill shall be signed by its treasurer and countersigned by its mayor; and such bonds, notes or scrip issued by said town of Bradford shall be signed by its treasurer and countersigned by a majority of its board of selectmen. In both cases such bonds, notes or scrip shall be payable on or before the first day of January in the year eighteen hundred and ninety-eight, and shall bear interest at a rate not exceeding five per cent. per annum payable semi-annually.

Bridge Improvement Loan, Act of 1895.

SECTION 7. Said city and said town may respectively sell the securities which they are authorized to issue by this act at public or private sale, or pledge the same for the purpose of securing money for the purposes of this act, upon such terms and conditions as they may respectively deem proper: *provided*, that such securities shall not be sold at less than par.

Sale of securities, etc.

Proviso.

SECTION 8. Any loans made under the authority of this act shall not be taken into account in determining the authorized limit of indebtedness of said city or said town, but all sums of money which either may receive from the

Not to be considered in determining debt limit, etc.

other on account of any expenses incurred under the provisions of this act shall be applied immediately to the payment of any indebtedness created under the provisions of this act, or shall be held as a sinking fund in the custody of the treasurer of the city or town receiving it, for the payment of such indebtedness as it matures. Said sinking fund and the accumulations thereof shall remain inviolate and pledged to the payment of such indebtedness and shall not be used for any other purpose until the whole of such indebtedness has been paid.

Liability on account of injuries, etc., not affected.

SECTION 9. The liability of said city of Haverhill, said town of Bradford, or said Lowell, Lawrence and Haverhill Street Railway Company, on account of any bodily injuries or damage in property received by any person while travelling on said bridge, shall not be affected by the provisions of this act or by anything done for the purpose of carrying out the provisions hereof.

SECTION 10. This act shall take effect upon its passage.

Approved April 4, 1895.

Chap. 232 AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO SELL CERTAIN REAL ESTATE.

Be it enacted, etc., as follows :

Certain lands may be sold.

SECTION 1. The town of Plymouth is hereby authorized and empowered to sell and convey, in fee simple and free from all trusts, the lands devised by Francis Le Baron "for the benefit of the poor of Plymouth."

Francis Le Baron Fund.

SECTION 2. The proceeds of the sale of such lands shall be invested and kept as a permanent fund, under the name of the Francis Le Baron Fund; and the income of said fund shall be annually expended under the direction of the overseers of the poor of said town for the benefit of the poor of Plymouth.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1895.

Chap. 233 AN ACT RELATIVE TO THE ABOLITION OF GRADE CROSSINGS IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows :

May relocate, etc., any passenger station, etc.

SECTION 1. In the proceeding for the abolition of grade crossings at Northampton, pending in the county of Hampshire, if the commission decide that it is necessary for the security or convenience of the public to alter, relocate or build anew any passenger station, freight depot

or other necessary structure, or to alter or relocate a freight yard, or to provide new freight yards or other facilities, or to substitute other lands therefor, as incident to and made reasonably necessary, in their judgment, by the abolition of grade crossings, and in place of lands, buildings or facilities in their judgment necessarily abandoned or rendered practically useless thereby, the commission may prescribe the manner and limits, and the limit of cost, within which the same shall be made in substitution and acquired, in connection with the other work prescribed, and shall determine which party or parties shall so make and acquire the same, and the cost thereof as so limited shall be included in the total actual cost of the alterations, and be apportioned as such.

May relocate, etc., any passenger station, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1895.

AN ACT RELATIVE TO THE VACATION OF JUDGMENTS AND WRITS OF AND PETITIONS FOR REVIEW.

Chap. 234

Be it enacted, etc., as follows:

SECTION 1. At any time within three months after the entry of final judgment in a civil action in the supreme judicial court, the superior court, or a police, district or municipal court, where the execution has not been satisfied in whole or in part, the court in which the judgment was rendered may vacate such judgment upon the motion of the party in whose favor the judgment was entered, and thereupon any appropriate proceedings may be had as if the judgment had not been entered. Such motion or application shall be filed in the original case, and no bond shall be required, unless the court by special order shall require one to be filed.

Vacation of judgments in civil action, etc.

SECTION 2. In all cases in which a final judgment has been entered in any of the courts mentioned in section one of this act, where the execution has not been satisfied in whole or in part, either party, or any one or more of several plaintiffs or defendants, within one year after the recovery of said judgment, may file in the court in which such judgment was rendered a petition to vacate such judgment, which in the supreme judicial or superior court shall be filed in the county in which the judgment was entered.

Petition may be filed in certain cases.

SECTION 3. After the filing of such petition the court in which it is filed or any justice thereof may order notice

Court may issue a stay of execution, etc.

thereof returnable at such time and to be served in such manner as the court or justice may direct, and may issue a stay or supersedeas of any execution on such judgment and an order for a return of such execution to the court with a certificate of any proceedings thereon. Upon the hearing of such petition the court may vacate such judgment, and thereupon any appropriate proceedings may be had as if such judgment had not been entered.

Petitioner to
give bond to
adverse party,
conditions, etc.

SECTION 4. Except as hereinafter provided, the petitioner shall, before the vacation of judgment under such petition and before the issuing of any stay or supersedeas of such execution, give a bond to the adverse party with security satisfactory to the court or justice. If the petitioner is a party in whose favor the judgment was rendered the bond shall be with condition that if final judgment shall be thereafter rendered for the adverse party the petitioner shall pay the costs of the adverse party. If the petitioner is a party against whom the judgment was rendered the condition of the bond shall be that if the judgment is not vacated on said petition the petitioner shall satisfy said judgment and all costs accrued on any execution issued thereunder, and that if it is so vacated he shall satisfy the execution that shall issue in favor of the adverse party on any judgment that may be thereafter rendered in said action, or in case a special judgment shall be entered in favor of the adverse party in accordance with section twenty-four of chapter one hundred and seventy-one of the Public Statutes or section three of chapter four hundred and five of the acts of the year eighteen hundred and eighty-eight, he will pay to the plaintiff within thirty days after the entry of such judgment the sum for which said judgment shall be entered.

Judgment may
be vacated
without security
in certain cases.

SECTION 5. When the petitioner has had no actual knowledge before the judgment was entered of the pendency of the action against him a stay or supersedeas may be ordered and the judgment may be vacated without security; but no stay or supersedeas shall be issued nor judgment vacated without security in any case in which there was an attachment of anything of value in the original action: *provided, however*, that if such case is in other respects within the provisions of this section the penal sum of the bond may be fixed at the actual value of the property attached, to be determined upon summary hearing by the court after notice to the adverse party, unless the parties agree upon such value.

Proviso.

SECTION 6. The court may impose any reasonable costs or terms upon either of the parties to any motion or petition to vacate a judgment. Court may impose costs or terms.

SECTION 7. No attachment made, bond given, or bail taken originally in the action shall be liable to satisfy a judgment after the original judgment has been vacated, except that when a judgment is vacated under section one of this act within thirty days after the entry thereof, any attachment made, bond given, or bail taken shall continue to be liable upon any judgment thereafter rendered in such action during such time as they would have been liable upon the original judgment if it had not been vacated. Attachments, bonds, etc., not liable in certain cases.

SECTION 8. When judgment is rendered, as provided in chapter one hundred and sixty-four of the Public Statutes, upon the default of a defendant upon whom service has not been made by reason of his being out of the Commonwealth or by reason of his residence being unknown, he may, at any time within one year after the judgment, as of right and without any petition therefor, sue a writ of review out of the court in which the judgment was rendered. Defendant may sue out a writ of review in certain cases.

SECTION 9. After the entry of final judgment in a civil action in the supreme judicial court, the superior court, or a police, district or municipal court, the court in which the judgment was entered may on petition grant a writ of review; and after such entry of judgment before a trial justice the superior court may in like manner grant a writ of review. If the judgment complained of was rendered in the absence of the petitioner and without his knowledge the petition for a writ of review shall be filed within one year after the petitioner first had notice of the judgment, otherwise within one year after the judgment was rendered. In the supreme judicial or superior court such petition shall be filed in the county in which such judgment was entered. Court may grant a writ of review, etc.

SECTION 10. After the filing of the petition for a writ of review the court in which it is filed or any justice thereof may order notice thereof returnable at such time and to be served in such manner as the court or justice may direct, and may issue a stay or supersedeas of any execution on such judgment and an order for the return of such execution to the court with a certificate of any proceedings thereon. Court may order notice to be served, etc.

SECTION 11. Except as hereinafter provided the petitioner shall, before the issuing of any stay or supersedeas Petitioner to file bond to adverse party

with security,
etc.

under a petition for a writ of review, file a bond to the adverse party with security satisfactory to the court or justice, with condition that if a writ of review is not granted on said petition the petitioner shall satisfy the judgment originally entered and all costs accrued on any execution issued thereon, and that if a writ of review is granted he will forthwith prosecute a review to final judgment and will satisfy such execution as may be issued against him on the review, or in case a special judgment shall be entered against him in accordance with section twenty-four of chapter one hundred and seventy-one of the Public Statutes, or section three of chapter four hundred and five of the acts of the year eighteen hundred and eighty-eight he will pay to the plaintiff within thirty days after the entry of such judgment the sum for which said judgment shall be entered.

Stay may be
ordered without
security in
certain cases.

SECTION 12. When the petitioner has had no actual knowledge before the judgment was entered of the pendency of the action against him a stay or supersedeas may be ordered without security; but no stay or supersedeas shall be issued without security in any case in which there was an attachment of anything of value in the original action: *provided, however,* that if such case is in other respects within the provisions of this section the penal sum of the bond may be fixed at the actual value of the property attached, to be determined upon summary hearing by the court after notice to the adverse party, unless the parties agree upon such value. Except as provided in this and the preceding section the execution shall not be stayed or superseded by the writ of review.

Proviso.

Court may
grant review or
impose costs.

SECTION 13. Upon the hearing of a petition for a writ of review the court may grant a writ of review upon such terms as appear to be reasonable. If the review is not granted the court may impose reasonable costs.

Writs of review,
how sued out.

SECTION 14. The writ of review shall be sued out of the clerk's office of the court in which the action is to be tried on review, or out of the court if such court has no clerk, within three months after the granting of the petition, and shall be in the form heretofore used except as is hereinafter provided. If the writ is not sued out within said three months after the order granting such writ such order and any stay or supersedeas previously ordered in the proceedings shall be thereby vacated and the original judgment shall be of full force.

SECTION 15. It shall not be necessary to recite at length the declaration and other proceedings in the original suit, but the writ of review may be substantially as follows, namely: — Summon A to answer to B in the review of an action of contract (or tort) brought by said A against said B, in which action said A by the consideration of the justices of our court, begun and held at C within and for our said county of M on the day of , recovered judgment against said B for the sum of dollars, debt (or damages), and dollars costs, which judgment said B says is wrong and erroneous. — Or the former judgment may be briefly described in any manner deemed sufficiently certain according to such rules as the courts may prescribe.

Form of writ.

SECTION 16. When the original judgment was entered before a trial justice the plaintiff in review shall produce and file in court certified copies of the writ, judgment, and all proceedings in the former suit, and the originals or copies of all depositions and other papers used and filed therein.

Judgments entered before trial justices.

SECTION 17. The writ shall be served in the same manner as an original writ, except that when the defendant is not an inhabitant of the Commonwealth, or is not found therein, the writ may be served on the person who appeared as his attorney in the original suit, and the court may continue the cause to enable the absent party to appear and answer.

Serving of writs.

SECTION 18. If the writ is sued out by the original plaintiff he may cause the defendant's goods and estates to be attached as they might have been in the original action, and for this purpose the writ of review may be so framed as to require an attachment in the common form, and that the defendant be summoned. No attachment made, bond given, or bail taken in the original suit shall be liable to satisfy the judgment on the review.

Writ may be so framed as to require an attachment, etc.

SECTION 19. If an issue of fact was joined in the original suit the case shall be tried on the review upon the same issue, except that the court may allow amendments of the original declaration and other pleadings, as might have been done in the original suit; and if a different issue is joined in consequence of such amendments the cause shall be tried upon such new issue.

Procedure when issue of fact was joined in original suit.

SECTION 20. If the former judgment was rendered without an issue the parties shall plead or answer upon

Procedure when former judgment was

rendered without an issue.

the review in like manner as they might have done in the original suit, and the cause shall be tried upon any issue of fact or law joined upon such pleadings or answer, and each party may produce any legal evidence, whether produced in the former suit or not.

Judgment upon review.

SECTION 21. Judgment shall be given upon the review as the merits of the case upon the law and the evidence appear to require, although it should be more advantageous to the defendant in review than the original judgment, in like manner as if both parties had brought their several writs of review.

Recovery of costs.

SECTION 22. The prevailing party shall recover costs unless the court in granting the review otherwise ordered.

Judgment when plaintiff recovers greater or less sum than in original suit.

SECTION 23. If the sum recovered by the plaintiff in the original suit for debt or damages is reduced on the review the original defendant shall have judgment and execution for the difference, with costs; or, if the former judgment is not satisfied one judgment may be set off against the other, and an execution issued for the balance. If the original plaintiff recovers a greater sum for debt or damages than was awarded to him in the original suit he shall have judgment and execution for the excess.

Action of replevin, etc.

SECTION 24. In actions of replevin and in actions in which a set-off is filed the original defendant shall be considered, as to everything contained in this chapter, like a plaintiff in other actions, so far as it respects any damages awarded to him either in the original suit or upon the review.

One of two or more defendants may review in certain cases.

SECTION 25. If judgment was recovered against several defendants in the original action any one or more of them may review in like manner as if he or they had been the only defendants, and if the sum recovered in the original suit for debt or damages is increased or reduced the court shall make such order respecting the further proceedings as may be necessary to carry into effect the two judgments according to the rights of all parties.

Indorsement of writs of and petitions for review.

SECTION 26. Writs of and petitions for review shall be indorsed in the same manner as original writs, and all regulations concerning the indorsement of original writs shall apply to writs of and petitions for review.

Repeal, etc.

SECTION 27. Sections sixteen to thirty-nine inclusive of chapter one hundred and eighty-seven of the Public Statutes, and so much of section three of chapter four hundred and five of the acts of the year eighteen hundred

and eighty-eight, and section thirty-three of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-three, as is inconsistent with this act, are hereby repealed; but the provisions of this act shall not affect any proceedings for vacation of judgment or review begun before its passage.

SECTION 28. This act shall take effect upon its passage.

Approved April 6, 1895.

AN ACT TO INCORPORATE THE PLAINVILLE WATER COMPANY.

Chap. 235

Be it enacted, etc., as follows:

SECTION 1. Harland G. Bacon, Herbert E. Thompson, Joseph F. Breen, Henry C. Cornell, William H. Corbin, Willis M. Fuller, William H. Wade, George B. Sherman, Edward C. Barney, John Lefler, James W. White, Edward P. Davis, William F. Maintein, Laburton B. Warren, Lunas F. Mendell, Thomas H. Hutton, Gardner Warren, George Demarest, Cyrus King, Jr., and Alexander Emerson, of the village of Plainville in the town of Wrentham, and their associates and successors, are hereby made a corporation by the name of the Plainville Water Company, for the purpose of furnishing the inhabitants of the village of Plainville in the town of Wrentham, consisting of the territory comprised within the limits of the school district formerly known as the Plain District, and designated as number thirteen upon a map made from a survey by Henry F. Walling in the year eighteen hundred and fifty-one, with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which are now or may hereafter be in force applicable to such corporations.

Plainville Water
Company
incorporated.

SECTION 2. Said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of Ten Mile river, so-called, within the limits of the town of Wrentham, and the water rights connected therewith, and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said village, as above-described; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery

May take
certain waters,
lands, etc.

May erect
buildings, lay
down pipes, etc.

and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and ways: *provided, however*, that said company shall not enter upon and dig up any public ways except upon the approval of the board of selectmen of the town in which said ways are situated, after a public hearing by said board, of which at least ten days' notice shall be given by publishing an attested copy of said notice in a newspaper published in said town, if any, and by posting an attested copy of said notice in at least five public places in said town; and *provided, further*, that no hearing shall be necessary in cases where said ways are to be entered upon and dug up by said company for the purpose of constructing extensions to its plant and maintaining and repairing such conduits, pipes and other works.

Provisos.

Description of
lands, etc., to be
recorded.

SECTION 3. Said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Damages.

SECTION 4. Said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the

authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water or water rights or for any injury thereto until the water is actually withdrawn or diverted by said corporation under the authority of this act.

SECTION 5. Said corporation may distribute water through said village of Plainville, may regulate the use of said water and fix and collect rates to be paid for the use of the same, and may make such contracts with the said town or with any fire district that is or may hereafter be established in said village of Plainville, or with any individual or corporation, to supply water for the extinguishment of fire or for other purposes, as may be agreed upon by said town or fire district, individual or corporation.

Distribution of water, etc.

SECTION 6. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount five thousand dollars; and the whole capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate and capital stock.

SECTION 7. Immediately after the payment of the capital of said company a certificate shall be signed and sworn to by its president, treasurer, and at least a majority of the directors, stating the fact of such payment, the manner in which the same has been paid in and the manner in which such capital has been invested, or voted by the corporation to be invested, at the time of making the certificate. Such certificate shall be approved by the commissioner of corporations and shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of the property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and indorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

Certificate of payment of capital to be filed.

SECTION 8. Said corporation may issue bonds and secure the same by a mortgage upon its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall

May issue mortgage bonds, etc.

only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Issue of stock and bonds to be approved by commissioner of corporations.

SECTION 9. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision, approving such issue, shall specify the respective amounts of stock and bonds authorized to be issued and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

Penalty for corruption of water, etc.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Town of Wrentham, etc., may take franchise, property, etc., at any time.

SECTION 11. Said town of Wrentham and any fire district that is or may hereafter be established in said village of Plainville shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for said year then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and

operating said works for said year then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of said town of Wrentham, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town or said fire district, and shall be deducted from the amount required to be paid by said town or such fire district to said corporation under the foregoing provisions of this section. The right to purchase as aforesaid is granted on condition that the same be authorized by a two thirds vote of the voters of said town or such fire district present and voting thereon at a meeting called for that purpose.

Statement of receipts and expenditures to be made annually, etc.

SECTION 12. Said town or such fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes or scrip shall bear on their face the words, Plainville Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of said town or such fire district and countersigned by the water commissioners hereinafter provided for. Said town or such fire district may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. Said town or such fire district shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Plainville Water Loan.

Sinking fund.

SECTION 13. Said town or such fire district instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act;

May provide for annual payments on loan.

and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes, in the case of said town, and under the provisions of section fifty-four of chapter thirty-five of the Public Statutes, in the case of such fire district.

Return to state
amount of sink-
ing fund, etc.

SECTION 14. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section and the amount raised and applied thereunder for the current year.

Payment of
expenses, etc.

SECTION 15. Said town or such fire district shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Water
commissioners,
election, term,
etc.

SECTION 16. Said town or such fire district shall, after its purchase of said corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting or annual meeting of such fire district, to constitute a board of water commissioners, and at each annual town meeting or annual meeting of such fire district thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said town or such fire district by this act and not otherwise specially provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as said town or such fire district may impose by its vote. Said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any

To be trustees
of sinking fund,
etc.

vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or such fire district at any legal town meeting or legal meeting of such fire district called for the purpose.

Vacancy.

SECTION 17. Upon application of the owner of any land, water or water rights taken under this act, the county commissioners for the county in which such land, water or water rights are situated shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and the said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

Security for payment of damages, etc., required in certain cases.

SECTION 18. Nothing in this act shall be construed to prevent the town of North Attleborough from supplying itself or its inhabitants with water for the extinguishment of fires and for domestic and other purposes from the water and water sources herein granted to the Plainville Water Company.

Certain rights of North Attleborough not affected.

SECTION 19. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

When to take effect.

Approved April 6, 1895.

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO PLACE ALL PARKS AND COMMONS THEREIN UNDER THE CARE AND CONTROL OF ITS PARK COMMISSIONERS, AND TO PROVIDE FOR EXPENSE OF THE RECONSTRUCTION OF SUCH PARKS AND COMMONS.

Chap. 236

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge, by its city council, may from time to time place its parks and commons now occupied and used, and that may hereafter be established, set apart, occupied and used in said city as parks or commons, under the care and control of its park commissioners, with all the rights and privileges and subject to all the provisions and regulations contained in chapter

Parks, etc., may be placed under control of park commissioners.

three hundred and forty-one of the acts of the year eighteen hundred and ninety-two, chapter three hundred and thirty-seven of the acts of the year eighteen hundred and ninety-three and chapter one hundred and sixteen of the acts of the year eighteen hundred and ninety-four.

May reconstruct
certain parks,
etc.

SECTION 2. The park commissioners of said city may reconstruct all such parks and commons as may be placed under their care and control by the city council under the provisions of section one of this act, and for that purpose may use, as may be necessary, the proceeds of the loans authorized under said chapters and chapter eighty-nine of the acts of the year eighteen hundred and ninety-four.

Repeal.

SECTION 3. Sections one and three of chapter six of the acts of the year eighteen hundred and thirty are hereby repealed.

When to take
effect.

SECTION 4. This act shall take effect upon its acceptance by the city council of Cambridge.

Approved April 6, 1895.

Chap.237

AN ACT RELATIVE TO AFFIDAVITS TO NOMINATION PAPERS.

Be it enacted, etc., as follows:

Magistrates to
satisfy them-
selves as to
identity of per-
sons making
oath to nomina-
tion papers.

SECTION 1. A notary public, justice of the peace or other magistrate, when taking the oath of a signer to a nomination paper, as required by section seventy-eight of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three, shall satisfy himself that the person to whom the oath is administered is the person signing such nomination paper, and shall state in his attestation of said oath that he is so satisfied.

Penalty.

SECTION 2. Any notary public, justice of the peace or other magistrate who violates the provisions of this act shall be punished by a fine of not less than ten nor more than fifty dollars for each offence.

To take effect
July 1, 1895.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and ninety-five.

Approved April 6, 1895.

Chap.238

AN ACT TO PROVIDE COPIES OF THE BLUE BOOK FOR THE USE OF THE SUPREME JUDICIAL AND SUPERIOR COURTS.

Be it enacted, etc., as follows:

Additional
copies of blue
book to be
furnished.

SECTION 1. A sufficient number of copies of the blue book shall be furnished to the clerks of the supreme judicial and superior courts, annually, as soon as the edition is published, to provide one copy for the use of the justices

and clerks at each place in the Commonwealth where regular or adjourned sessions of said courts are held.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

AN ACT TO PROVIDE THAT TENEMENT HOUSES IN THE CITY OF BOSTON SHALL HAVE ADEQUATE OPEN SPACES.

Chap. 239

Be it enacted, etc., as follows:

Section one hundred and eight of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the fourth line, the words "three fourths", and inserting in place thereof the words:—sixty-five one hundredth parts,— and by adding at the end thereof the words:—A clear space open from the ground to the sky shall be maintained across the whole rear of every such building, and of a depth equal to one half of the width of the street in front of such building: *provided*, that such space need not exceed the depth of twenty feet; and *provided, further*, that an equivalent area of open space in the rear of such building may be provided of different dimensions, with the consent of the inspector of buildings,— so as to read as follows:—*Section 108.* No building hereafter erected for or converted to use as a tenement or lodging house, and no building hereafter enlarged for said purposes shall occupy above the level of the second floor more than sixty-five one hundredth parts of the area of the lot measured to the middle line of the street or streets, or passageways, on which it abuts. Every such building shall have on at least two exposures on land of the owner or as part of public ways, open spaces of at least ten feet in width, which spaces shall have an aggregate length of one foot for every twenty-five square feet of superficial area actually occupied by the building. Such spaces shall be open to the sky, and shall remain undiminished so long as the building is occupied as a tenement or lodging house. A clear space open from the ground to the sky shall be maintained across the whole rear of every such building, and of a depth equal to one half of the width of the street in front of such building: *provided*, that such space need not exceed the depth of twenty feet; and *provided, further*, that an equivalent area of open space in the rear of such building may be provided of different dimensions, with the consent of the inspector of buildings.

1892, 419, § 108,
amended.

Tenement and
lodging houses
to have open
spaces, etc.

Provisos.

Approved April 6, 1895.

*Chap.*240 AN ACT RELATIVE TO THE COUNTING OF BALLOTS WHILE VOTING
IS IN PROGRESS.

Be it enacted, etc., as follows :

Removal of
ballots from
ballot box before
voting has
ceased, count-
ing, etc.

SECTION 1. In towns and precincts of towns, and cities of less than one hundred thousand inhabitants, according to the last national or state census, the ballot box may be opened and ballots taken therefrom for counting whenever it is deemed necessary or advisable so to do in the unanimous judgment of the selectmen and town clerk, or in the judgment of both the moderator and town clerk of the town, as the case may be, or in the unanimous judgment of the election officers of the voting precinct. When the ballots have been thus removed before the voting has ceased the warden of the precinct in cities and in towns divided into voting precincts shall select from the precinct officers an equal number from each of the two leading political parties, who shall canvass the votes thus removed from the ballot box. The counting shall be done in accordance with the provisions of section one hundred and seventy-two of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three. But no announcement of the result of the canvass and counting of votes thus removed from the ballot box shall be made by any precinct officer until the total result of the canvass and counting of votes has been ascertained, as provided in said section one hundred and seventy-two.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1895.

*Chap.*241 AN ACT TO AUTHORIZE THE CITY OF HOLYOKE TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows :

Holyoke School
Loan, 1895.

SECTION 1. The city of Holyoke, for the purpose of erecting a new high school building in said city, and a grammar school building in ward one of said city, and of purchasing sites for said buildings, may incur indebtedness to an amount not exceeding two hundred and fifty thousand dollars beyond the limit of indebtedness fixed by law, and may issue negotiable notes, bonds or scrip to an

amount not exceeding the cost of said school buildings and sites, denominated on the face thereof, Holyoke School Loan, 1895; signed by its mayor and city treasurer, and payable at periods of not more than twenty years from their date of issue.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue and sale of such securities.

P. S. 29 and 1884, 129, to apply.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1895.

AN ACT RELATIVE TO STATEMENTS FILED UNDER THE ACT TO PREVENT CORRUPT PRACTICES IN ELECTIONS.

Chap. 242

Be it enacted, etc., as follows:

SECTION 1. The secretary of the Commonwealth shall inspect all statements filed with him under the provisions of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof within sixty days after the same are filed.

Secretary of the Commonwealth to inspect statements.

SECTION 2. Upon discovery that any such statement does not conform to the provisions of said act, in respect to sufficiency of detail or otherwise, or upon the complaint in writing of any five registered voters that any such statement does not conform to law or to the truth, or that any person has failed to file a statement required by said act, said secretary shall notify such person in writing of his non-compliance, specifying the particulars thereof.

Persons to be notified in case of non-compliance, etc.

SECTION 3. The complaint mentioned in the preceding section must be filed with said secretary within sixty days after the election in question: *provided, however*, that in all cases a complaint may be filed at any time within thirty days after the filing of a statement or amended statement. The complaint shall state in detail the grounds of objection and shall be sworn to by at least one of the subscribers.

Complaint to be filed with secretary.

Proviso.

SECTION 4. If a person, after being notified as provided in section two, fails to file a statement or amended statement within ten days of the time of receiving such notice, the secretary shall bring the case to the notice of the proper district attorney, who is hereby authorized to institute civil proceedings under section two hundred and thirty-nine of said act, or criminal proceedings in his discretion, which proceedings shall be brought in the name

District attorney may institute proceedings in certain cases.

of the Commonwealth within two months after the end of said ten days' delinquency.

Statements
relating to
municipal
elections, etc.

SECTION 5. In the case of statements under said act relating to municipal elections, or to an election on the part of a city council, or of either branch thereof, the provisions of the preceding sections shall apply to the respective city or town clerks instead of the secretary of the Commonwealth.

Repeal

SECTION 6. Chapter two hundred and forty-eight of the acts of the year eighteen hundred and ninety-four is hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved April 6, 1895.

Chap. 243

AN ACT RELATIVE TO THE ISSUE AND CANCELLATION OF CERTAIN BONDS BY CITIES.

Be it enacted, etc., as follows:

New bonds
may be issued
by cities in
certain cases,
etc.

SECTION 1. When the officer or officers of any city holding in trust or having the care and control of a sinking fund of such city shall hold any bonds of the city not due and payable other than those payable from such sinking fund, and the bonds for the payment of which such sinking fund was created shall become due, they shall certify such fact to the mayor of the city and request that new bonds be issued to them by the city in place of the bonds not due. If the mayor is satisfied that there is occasion therefor he shall cause new bonds to be prepared, and when executed by the mayor and city treasurer, and approved by the committee on finance of the city council of such city, they shall be issued to such officer or officers upon the surrender by them to the city treasurer and the cancellation of such former bonds. The cancellation of such old bonds and the issue of new bonds shall be entered in full on the books of the city treasurer.

Terms, interest,
etc.

SECTION 2. Such new bonds shall be identical in terms, shall bear the same rate of interest, and the principal and interest shall be payable on the same dates as the bonds so surrendered.

Approved April 6, 1895.

Chap. 244

AN ACT RELATIVE TO THE TIME FOR FILING CERTIFICATES OF NOMINATION AND NOMINATION PAPERS FOR CITY ELECTIONS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1893, 417, § 82,
amended.

Section eighty-two of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out in the twenty-eighth line,

the word "Wednesday", and inserting in place thereof the word: — Friday, — and by striking out in the thirtieth line, the word "Friday", and inserting in place thereof the word: — Saturday, — so as to read as follows: — *Section 82.* Certificates of nomination for the nomination of candidates for offices to be filled by the voters of the state at large shall be filed on or before the fifth Monday preceding the day of the election for which the candidates are nominated; and nomination papers for the nomination of such candidates shall be filed on or before the fourth Monday preceding the day of such election. Certificates of nomination for the nomination of candidates for all other state offices shall be filed on or before the third Thursday preceding the day of the election; and nomination papers for the nomination of all such candidates shall be filed on or before the third Friday preceding the day of the election; except that in case of an election held on a day other than that of the day of the annual state election to fill any state office, certificates of nomination shall be filed on or before the twelfth day preceding the day of such election, and nomination papers for the nomination of candidates to fill such office shall be filed on or before the eleventh day preceding the day of such election.

Last days for filing certificates of nomination and nomination papers with the secretary.

In all cities, except the city of Boston, certificates of nomination for the nomination of candidates for city offices shall be filed on or before the second Wednesday preceding the day of the election; and nomination papers for the nomination of such candidates shall be filed on or before the second Friday preceding the day of the election.

In cities except Boston.

In the city of Boston certificates of nomination for the nomination of candidates for city offices shall be filed on or before the third Friday preceding the day of the election; and nomination papers for the nomination of such candidates shall be filed on or before the third Saturday preceding the day of the election.

In Boston.

In towns certificates of nomination for the nomination of candidates for town offices shall be filed on or before the second Saturday preceding the day of the election, and nomination papers for the nomination of such candidates shall be filed on or before the Monday preceding the day of the election; except that whenever a town election is held on a day of the week other than Monday, such certificates of nomination and nomination papers shall be filed respectively on or before the ninth and seventh days preceding the day of the election. *Approved April 6, 1895.*

In towns.

Chap.245 AN ACT TO ESTABLISH THE COMPENSATION OF CLERKS PRO TEMPORE OF POLICE, DISTRICT AND MUNICIPAL COURTS.

Be it enacted, etc., as follows:

1893, 396, § 67,
amended.

Compensation
of clerks pro
tempore of
certain courts.

Proviso.

SECTION 1. Section sixty-seven of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out in the first line, the word “said”, and inserting in place thereof the words:—police, district and municipal,—by striking out after the word “courts”, in said first line, the words “having no assistant clerks”, and by striking out in the fifth line, the word “fourteen”, and inserting in place thereof the word:—thirty,—so as to read as follows:—*Section 67.* Clerks pro tempore of police, district and municipal courts shall receive as compensation for each day’s service a sum equal to the rate per day of the salary of the clerk, to be paid by the county: *provided*, that the compensation so paid for any excess over thirty days’ service by a clerk pro tempore, in any one calendar year, shall be deducted by the county treasurer from the salary of the clerk.

SECTION 2. This act shall take effect upon its passage.
Approved April 6, 1895.

Chap.246 AN ACT TO ESTABLISH THE NUMBER OF OFFICERS IN ATTENDANCE UPON THE SUPREME JUDICIAL, SUPERIOR AND PROBATE COURTS FOR THE COUNTY OF MIDDLESEX AND TO ESTABLISH THEIR SALARIES.

Be it enacted, etc., as follows:

1892, 107, § 1,
amended.

Officers in
attendance upon
certain courts
in Middlesex
county.

SECTION 1. Section one of chapter one hundred and seven of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the third line, the word “four”, and inserting in place thereof the word:—eight,—by inserting in the fourth line, after the word “civil”, the words:—or criminal,—and by inserting in the sixth line, after the word “court”, the words:—and probate court,—so as to read as follows:—*Section 1.* The sheriff of the county of Middlesex may appoint, subject to the approval of the justices of the superior court or a majority thereof, eight officers for attendance on the sessions of said court for civil or criminal business. Such officers shall when required by the sheriff attend the sessions of the supreme judicial court and probate court, when not in attendance on the superior court.

SECTION 2. Section three of said chapter is hereby amended by striking out in the second line, the word “sixteen”, and inserting in place thereof the word:—seventeen,—and by striking out in the third line, the word “five”, and inserting in place thereof the word:—ten,—so as to read as follows:—*Section 3.* Such officers shall receive from the county of Middlesex an annual salary of seventeen hundred dollars in full for all services performed by them, and ten cents a mile for travel out and home once a week during such attendance, when such distance exceeds five miles one way.

1892, 107, § 3,
amended.

Compensation
and travel.

SECTION 3. Section five of said chapter is hereby amended by adding at the end thereof the words:—and the officers provided for in this act shall be allowed and paid to provide such uniforms, the sum of one hundred dollars each annually in addition to their salaries,—so as to read as follows:—*Section 5.* The deputy sheriffs and officers in attendance at the superior and supreme judicial courts shall, while on duty in said courts, wear uniforms to be designated by the sheriff, and the officers provided for in this act shall be allowed and paid to provide such uniforms, the sum of one hundred dollars each annually in addition to their salaries.

1892, 107, § 5,
amended.

Allowance for
uniforms.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1895.

AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE CITY
OF LOWELL.

Chap. 247

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell, for the purpose of obtaining an additional supply of water for the use of said city and its inhabitants, by means of forced, driven, artesian or other wells, or from subterranean streams, in addition to the rights heretofore granted, may from time to time take by purchase or otherwise, hold and improve any land in the town of Chelmsford east of Chelmsford street, Lowell road, South street and Boston road, to the dividing line between said Chelmsford and the town of Billerica, and may also take and hold from time to time by purchase or otherwise, all lands, rights of way and easements within the land described, as may be deemed necessary for holding, storing and preserving such water and conveying the same through any part of the land described, to connect with the system of water supply in said Lowell;

May take certain
land in Chelms-
ford for addi-
tional water
supply.

May erect
buildings, lay
down pipes, etc.

and may erect on any lands so taken proper dams, reservoirs, buildings, fixtures and other structures, and may make excavations, procure and operate suitable machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of such additional water supply; and may construct, lay down and maintain such conduits, pipes and such other works, under, through or over any lands, canals, bridges, railroads, public and private ways in the land described as may be deemed necessary; and for all proper purposes of this act may dig up any such lands and any such public or private ways.

Description of
lands, etc., to be
recorded.

SECTION 2. Said city shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the northern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which description and statement shall be signed by the mayor of said city.

Damages.

SECTION 3. Said city shall pay all damages sustained by any person or corporation by the taking of any land, rights of way, water, water source, water right or easement, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for laying out highways, on application at any time within two years from the taking of any such land or other property or the doing of other injury under the authority of this act, but no application shall be made after the expiration of two years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

City may tender
a specified sum,
etc.

SECTION 4. In every case of a claim for damages, as provided herein, said city may tender to the complainant or his attorney any sum that it shall think proper, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition; and if the complainant shall not accept the same,

with the costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterwards, unless he shall recover greater damages than were so offered; and said city shall be entitled to recover its costs afterwards unless the complainant shall recover greater damages than were so offered.

SECTION 5. If any person shall use any of said water taken or obtained under this act, without the consent of said city, or shall wantonly or maliciously divert the water or any part thereof, so taken or obtained, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority of and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

Penalty for corruption of water, etc.

SECTION 6. All the rights, powers and authority given to said city by this act shall be exercised by said city, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agent, officers and servants as the city council shall from time to time ordain, direct and appoint.

Rights, powers, etc.

SECTION 7. This act shall take effect upon its passage.

Approved April 6, 1895.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO SARAH G. WILLARD. Chap. 248

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Sarah G. Willard, widow of Timothy W. Willard late chief mortgage clerk in the employ of said city, the balance of salary to which he would have been entitled had he lived and continued to hold his office until the thirty-first day of January in the year eighteen hundred and ninety-five.

Widow of Timothy W. Willard.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

*Chap.*249 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO CATHERINE J. SHORT.

Be it enacted, etc., as follows:

Widow of
John C. Short.

SECTION 1. The city of Boston is hereby authorized to pay to Catherine J. Short, widow of John C. Short late a clerk in the employ of said city, the balance of salary to which he would have been entitled had he lived and continued to hold his office until the first day of May in the year eighteen hundred and ninety-five.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

*Chap.*250 AN ACT RELATIVE TO THE PRINTING AND DISTRIBUTION OF THE BLUE BOOK.

Be it enacted, etc., as follows:

Additional
copies of blue
book to be
printed, etc.

SECTION 1. There shall be printed annually two thousand copies of the blue book, in addition to the number now required to be printed. Each member of the general court and the clerks of each branch thereof shall be entitled to receive four copies of the blue book, in addition to the number now allowed to them.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

*Chap.*251 AN ACT PROVIDING FOR AN ASSISTANT CLERK OF THE SUPERIOR COURT FOR EQUITY BUSINESS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Assistant clerk
of superior
court for equity
business, ap-
pointment,
duties, etc.

SECTION 1. The justices of the superior court, or a majority of them, may appoint an assistant clerk of said court for equity business in the county of Suffolk, who shall perform such duties as may be required of him as clerk in equity proceedings in said court in said county, and shall have the powers and be subject to the duties and liabilities of an assistant clerk of said court for civil business in said county. In his official signature the designation "assistant clerk", after his name shall be sufficient. He shall receive in full for all services performed by him an annual salary of three thousand dollars, to be paid by said county.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

AN ACT RELATIVE TO THE RELEASE OF PRISONERS FROM THE STATE PRISON ON PAROLE. *Chap. 252*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and forty of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the eighth and ninth lines, the words “full term of his sentence has expired”, and inserting in place thereof the words:—term of his sentence has expired, deducting from the court sentence the time to which he may be entitled under the provisions of section twenty of chapter two hundred and twenty-two of the Public Statutes and acts in amendment thereof,—and by striking out in the fourteenth, fifteenth and sixteenth lines, the words “No such permit shall be granted between the first day of November and the first day of March in any year”, so as to read as follows:—

1894, 440, § 1,
amended.

Section 1. When it shall appear to the commissioners of prisons that any prisoner held in the state prison upon his first sentence thereto has reformed, they may issue to him a permit to be at liberty during the remainder of his term of sentence, upon such terms and conditions as they deem best, and they may revoke said permit at any time previous to its expiration. No such permit shall be granted as aforesaid until at least two thirds of the term of his sentence has expired, deducting from the court sentence the time to which he may be entitled under the provisions of section twenty of chapter two hundred and twenty-two of the Public Statutes and acts in amendment thereof; nor without the approval of the governor and council, nor unless the prisoner has an assurance, satisfactory to said commissioners, that he will have employment as soon as he is discharged, or is otherwise so provided for that he will not become dependent upon public or private charity. The violation by the holder of a permit granted as aforesaid, of any of its terms or conditions, or the violation of any law of this Commonwealth, shall of itself make void said permit.

Permits may
issue for
prisoners to
be at liberty in
certain cases.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

Chap. 253 AN ACT RELATIVE TO FILLING VACANCIES CAUSED BY THE DEATH,
WITHDRAWAL OR INELIGIBILITY OF CANDIDATES.

Be it enacted, etc., as follows:

1893, 417, § 80,
amended.

Certificate of
nomination to
supply vacancy
to be accom-
panied by writ-
ten acceptance,
etc.

SECTION 1. Section eighty of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by adding at the end thereof the following words: — and shall be accompanied by the written acceptance of the candidate or candidates nominated, — so as to read as follows: — *Section 80.* In case a nomination is made in accordance with the provisions of this act, to supply a vacancy caused by the death, withdrawal or ineligibility of a candidate, the certificate of nomination made for supplying such vacancy shall state, in addition to the other facts required by the provisions of this title, the name of the original nominee, the date of his death or withdrawal or of being found ineligible, and the proceedings had for supplying the vacancy; and the certificate shall be signed and sworn to by the presiding officer and secretary of the convention or caucus, or by the chairman and secretary of a duly authorized committee, as the case may be, and shall be accompanied by the written acceptance of the candidate or candidates nominated.

1893, 417, § 87,
amended.

Nomination in
cases of death,
withdrawal, etc.

SECTION 2. Section eighty-seven of said chapter is hereby amended by adding at the end thereof the following words: — In case of vacancies caused by withdrawal, certificates of nomination under this section made otherwise than in the original manner shall be filed in the office of the secretary or clerk, as the case may be, within a reasonable time, not exceeding forty-eight hours after the withdrawal, and they shall be open to objection in the same manner, as far as practicable, as provided in section eighty-five of this act, in regard to certificates of original nominations, — so as to read as follows: — *Section 87.* In case a candidate who has been duly nominated for a state, city or town office, shall die before the day of election, or shall cause his name to be withdrawn from nomination, in accordance with the provisions of this title, or shall be found in accordance with the provisions thereof to be ineligible to the office for which he is nominated, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner in

which such nomination was originally made ; or if the time is insufficient therefor, then the vacancy may be supplied, if the nomination was made by a convention or caucus, in such manner as the convention or caucus has previously provided for the purpose, or, in case no such previous provision has been made, then by a regularly elected general or executive committee representing the political party or persons holding such a convention or caucus. In case of vacancies caused by withdrawal, certificates of nomination under this section made otherwise than in the original manner shall be filed in the office of the secretary or clerk, as the case may be, within a reasonable time, not exceeding forty-eight hours after the withdrawal, and they shall be open to objection in the same manner, as far as practicable, as provided in section eighty-five of this act, in regard to certificates of original nominations.

Certificates of nomination to be open to objection.

Approved April 6, 1895.

AN ACT RELATIVE TO CERTAIN SEWERS IN SOMERVILLE AND MEDFORD.

Chap. 254

Be it enacted, etc., as follows :

SECTION 1. For the purpose of draining the territory, and providing an outlet for main drains or common sewers therein, situated in Somerville and bounded and described as follows: Southerly by a curved line parallel with and one hundred feet northerly of the northerly line of Broadway; easterly and northerly on four lines by the dividing line between Medford and Somerville; westerly by a line parallel with and one hundred feet easterly from the easterly line of College avenue; northerly by a line parallel with and one hundred feet southerly from the southerly line of Talbot avenue; westerly on two lines by a line parallel with and one hundred and five feet easterly from the centre line of the sewer which has been constructed by the city of Somerville from a point in Broadway opposite the centre line of Wallace street to Talbot avenue, [said area being the same as enclosed by a broad blue line as delineated on a plan entitled, "City of Somerville, Plan showing area proposed to be drained by Medford Sewerage System at Elm street, March eight, eighteen hundred and ninety-five, Horace L. Eaton, City Engineer"; and said plan being deposited in the office of the city engineer of the city of Somerville, and a copy thereof being de-

Certain sewers in Somerville may connect with those of Medford.

posited in the office of the city engineer of the city of Medford], — the mayor and aldermen of the city of Somerville may connect any sewer upon such territory with any sewer, and cause such sewer in Somerville to discharge into the same, in Medford, whether heretofore or hereafter constructed, at such point in the dividing line between Somerville and Medford as shall be agreed upon by the mayor and aldermen of the city of Somerville and the commissioners of sewers of the city of Medford; and for such purpose the commissioners of sewers of the city of Medford shall have the same right to construct a sewer in Medford to said point, where such sewer shall meet and connect with said sewer in Somerville, and to take land therefor, as they now have to construct other sewers in Medford and to take land therefor; and such commissioners shall have the right to construct sewers in Medford, through which the sewage from said sewer in Somerville shall be conducted, of such enlarged dimensions as the receipt of sewage from said sewer in Somerville shall require.

Commissioners of sewers of Medford may take land, construct sewers, etc.

Payment of expenses.

SECTION 2. The city of Somerville shall pay to the city of Medford such proportionate part of the expenses of constructing and maintaining or of enlarging sewers in Medford, through which sewage from said territory in Somerville shall be conducted, as shall be agreed upon by the city council of the city of Somerville and the commissioners of sewers of the city of Medford, with the concurrence of the city council of said Medford; if such proportionate part cannot be thus agreed upon the supreme judicial court, sitting in equity in any county, shall on the application of the city council of the city of Somerville or the commissioners of sewers of the city of Medford, with the concurrence of the city council of said Medford after notice to each of said cities, appoint three commissioners, who shall not be residents of either of said cities, who shall, after due notice and hearing, and in such manner as they shall deem just and equitable, determine what proportional part of such expenses shall be paid by the city of Somerville to the city of Medford, and what proportionate part of the expenses of said commission shall be paid by each of said cities. And when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of said matter and shall be binding upon said cities.

SECTION 3. The mayor and aldermen of the city of Somerville shall have the same right of assessing a proportional part of any expenses paid or to be paid by such city under the provisions of this act to the city of Medford for or on account of the construction or repairs of sewers in Medford, as if such expenses paid by the city of Somerville had been paid by it for making or repairing a main drain or common sewer in Somerville, through which the main drains or common sewers in said territory discharge; and if the city council of the city of Somerville, which it is hereby authorized to do, shall adopt a system of sewerage and assessments therefor in accordance with the provisions of section seven of chapter fifty of the Public Statutes and acts in amendment thereof or in addition thereto, for a part or the whole of said territory, such assessments as provided for in said section seven and acts in amendment thereof and in addition thereto shall be made upon owners of estates within said territory by a fixed uniform rate, based upon the estimated average cost of all the sewers therein, and there may be included, as a part of such cost, the cost or expense or any portion thereof to the city of Somerville on account of said sewers in Medford.

Somerville may assess a proportional part of expenses, etc.

SECTION 4. The cities of Somerville and Medford, respectively, may at any time connect any main drains or common sewers in their respective cities with and discharge the same into any main drains or common sewers in the territory of the other, upon such terms and conditions and for the drainage of such territory as may be from time to time agreed upon by the city council of the city of Somerville and the commissioners of sewers of said Medford, with the concurrence of the city council of said city of Medford, and either of said cities may in the construction of any sewer provide for receiving sewage from the other.

Somerville and Medford may connect main drains or common sewers.

SECTION 5. This act shall be void unless accepted by the city council of each of said cities within ninety days from the date of the passage hereof. *Approved April 6, 1895.*

To be void unless accepted within ninety days.

AN ACT TO AUTHORIZE THE TOWN OF HANOVER TO REFUND A PORTION OF ITS DEBT.

Chap. 255

Be it enacted, etc., as follows:

SECTION 1. The town of Hanover is hereby authorized to issue bonds, notes or scrip to an amount not exceeding

May issue bonds, notes or scrip, etc.

twelve thousand dollars, for the purpose of refunding an equal amount of its existing indebtedness. Said bonds, notes or scrip shall be payable at a period not exceeding ten years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. Said town may sell such securities at public or private sale, but none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of the town.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

Chap. 256 AN ACT RELATIVE TO THE SEPTEMBER SITTING OF THE SUPERIOR COURT FOR THE COUNTY OF ESSEX.

Be it enacted, etc., as follows:

Adjourned
sitting of court
not to be held
at Haverhill
unless ordered.

SECTION 1. So much of chapter four hundred and sixty-one of the acts of the year eighteen hundred and eighty-nine as requires an adjournment of the September sitting of the superior court for the county of Essex to be taken to Haverhill is hereby repealed, and no adjourned sitting of said court shall hereafter be held at Haverhill, unless ordered by the court.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

Chap. 257 AN ACT TO AUTHORIZE THE FAIRHAVEN IMPROVEMENT ASSOCIATION TO TAKE AND HOLD THE REMAINING PORTION OF THE OLD CEMETERY IN FAIRHAVEN.

Be it enacted, etc., as follows:

May take
certain land for
park purposes,
etc.

SECTION 1. The Fairhaven Improvement Association may take and hold the remaining portion of the Old Cemetery, so-called, in the town of Fairhaven, bounded south by land of the Old Colony Railroad Company, east by Fort street, north by William street and land of one Marston, and west by land of one Wrightington, for the purpose of caring for and preserving the premises and the monuments thereon; and upon the removal of all known remains of the dead therein, together with the monuments marking the remains, may lay out, use and hold the premises for the purposes of a public park, under the management and control of said association.

SECTION 2. Said association may receive by gift or otherwise, and hold in trust, any sum of money or other property, the income or proceeds of which may be applied to the care and preservation of said Old Cemetery, or of any portion thereof; and the said income or proceeds shall be expended by said association in accordance with the terms of the gift or trust.

May hold in trust certain property, etc.

SECTION 3. Said association may purchase such other suitable burial place in some other cemetery in said town as the selectmen may designate, and may remove thereto, at the expense of the association, the said remains of the dead and the monuments marking the remains, and shall remove the same to such other suitable burial place in said town as the next of kin of those whose remains are to be removed may provide.

May purchase burial place, remove remains of dead, etc.

SECTION 4. The removals aforesaid shall be made only after thirty days' notice of the intended removal, in the newspaper published in said town, and in some newspaper published in the city of New Bedford; the remains shall be reinterred and the monuments re-erected in a proper and suitable manner, and a plan of the ground in the burial place designated by said selectmen to which such remains shall be removed, showing the location of all the known dead so removed and reinterred, shall be made, and shall be filed in the office of the town clerk of said town for future reference.

Notice of removal to be given, etc.

SECTION 5. Said association shall forfeit all right to the possession and control of said Old Cemetery under the provisions of this act unless within six months from the passage thereof the said association, at a legal meeting of the members of said association, votes to accept the provisions of this act and gives public notice of such acceptance by publishing a notice thereof within one month thereafter in the newspaper published in said town.

Right to be forfeited unless accepted within six months, etc.

SECTION 6. Said association, in the care and management of said Old Cemetery, either as a burial place or subsequently as a public park, may make such changes in the premises and may dispose of and remove therefrom such portion thereof, and of any wall or other thing thereon, as may be advisable for its protection or improvement: *provided*, that so long as said premises are used as a place of burial the remains of the dead and the monuments marking such remains shall not be removed except as herein provided.

May make changes in premises, etc.

Proviso.

If not cared for
for one year,
to revert to
legal owners.

SECTION 7. Upon the failure of said association to care for said Old Cemetery for a period of one year said association shall forfeit all right thereto, and the same shall revert to the legal owners thereof.

Damages.

SECTION 8. Any person who shall sustain any damage in his property by the exercise by said association of the powers granted by this act may recover the same in an action of tort against said association: *provided*, such action is brought within two years from the date of suffering such damage.

Proviso.

SECTION 9. This act shall take effect upon its passage.

Approved April 6, 1895.

Chap.258 AN ACT RELATIVE TO THE ORGANIZATION OF THE NEW STATE
NORMAL SCHOOLS.

Be it enacted, etc., as follows:

May establish,
etc., normal
schools, lease
temporary ac-
commodations,
etc.

The state board of education may establish and organize the normal schools provided for by chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-four, or any of them, as soon as they find it practicable to do so, and pending the erection of the new buildings may lease temporary accommodations for the schools so established.

Approved April 6, 1895.

Chap.259 AN ACT TO PROVIDE FOR TEACHING ILLITERATE PRISONERS.

Be it enacted, etc., as follows:

Certain
prisoners to
be taught to
read and write.

SECTION 1. When a person is committed to a jail or house of correction upon a sentence of six months or more the principal officer thereof shall ascertain his ability to read and write. The commissioners of prisons shall make such rules for the several jails and houses of correction as shall secure, as far as may be practicable, the teaching of such prisoners to read and write.

To take effect
July 1, 1895.

SECTION 2. This act shall take effect upon the first day of July in the year eighteen hundred and ninety-five.

Approved April 6, 1895.

Chap.260 AN ACT TO PROVIDE EXTRA CLERICAL ASSISTANCE FOR THE CLERK
OF THE CENTRAL DISTRICT COURT OF WORCESTER.

Be it enacted, etc., as follows:

Extra clerical
assistance.

SECTION 1. The clerk of the central district court of Worcester shall be allowed for extra clerical assistance,

upon his certificate that the work was actually performed and was necessary, and stating the time occupied and the names of the persons by whom the work was performed, such sums not exceeding six hundred dollars in any one year as the county commissioners for the county of Worcester, by a writing signed by them, may approve. Said sums shall be paid from the treasury of said county monthly to the person or persons employed.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1895.

AN ACT TO PROVIDE FOR THE RE-DIVISION OF THE CITY OF Chap. 261
LOWELL INTO WARDS.

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Lowell, in convention assembled, is hereby authorized to make, before the first day of July next, a new division of the city into such a number of wards as they may determine, and to increase or diminish the number of common councilmen to which the several wards shall thereafter be entitled: *provided*, that the number of wards shall not be less than nine nor more than eleven; and *provided, further*, that the number of common councilmen shall not be less than two nor more than three from each ward, and each ward shall be entitled to an equal number of common councilmen with every other ward. Such new division of the city into wards shall be made in such manner as to include an equal number of registered male voters in each ward according to the registration of voters at the last annual city election, as near as conveniently may be, consistently with well defined limits to each ward. After said new division shall have been made the board of aldermen shall, prior to the first day of September of the current year, divide each ward into two or more convenient voting precincts, so that each precinct shall contain not more than eight hundred registered male voters, and, as nearly as may be, an equal number of such voters, and each ward shall be so divided that each precinct thereof shall consist of compact and contiguous territory, and, so far as possible, the middle lines of known streets and ways or other well defined limits shall be the boundaries of such precincts; and said precincts shall be designated by numbers, or letters of the alphabet: *provided, however*, that

May make a new division of city into wards.

Provisos.

Voting precincts.

Proviso.

Proviso.

for the purposes of the next state election, and for the purposes of any election held prior to the annual state election in the year eighteen hundred and ninety-six for filling a vacancy among officers so elected, or a vacancy caused by a failure to elect, and for the purpose of any election which may be held prior to the annual city election next succeeding such new division, for the filling of a vacancy among officers elected at a previous city election, the wards and voting precincts as now existing shall continue, and for such purposes election officers shall be appointed and hold office, and voting lists shall be prepared for each such voting precinct, and all other things required by law shall be done, as if no such division had been made. Election officers shall notwithstanding be appointed according to law for the new wards and voting precincts, who shall serve at the city election for the current year, and likewise in all respects other than as provided above.

Board of aldermen, school committee, etc.

SECTION 2. From and after the first Monday of January next the board of aldermen, the board of overseers of the poor, and the school committee, shall each year severally consist of as many members as there are wards after the new division shall have been made: *provided, however,* that neither the mayor nor any person holding an elective or appointive office under the city council or either branch thereof shall be a member of either of said bodies. On the first Monday of January annually, or as soon thereafter as may be, the board of overseers of the poor and the school committee shall severally elect one of their members to be chairman, who shall hold his office until the first Monday of the following January, unless sooner removed. In the absence of the chairman so elected a chairman for the time being shall be chosen.

Proviso.

School committee, election, term, etc.

SECTION 3. At the annual municipal election in the current year the qualified voters of each ward shall choose one of their number to be a member of the school committee from the first Monday of January next, and said school committee shall at its first meeting so assign by lot the terms of the respective members so elected that the term of one half, as near as may be, shall expire each year thereafter; and at each succeeding municipal election the legal voters of each ward, the term of whose representative in said board expires at the close of the municipal year in which said election is held, shall choose one of their number to be a member of said board for the term of two municipal years immediately succeeding.

SECTION 4. The mayor shall notify the members of the board of aldermen and of the common council to meet in convention in the common council room within five days after the passage of this act, for the purpose of carrying into effect its provisions. After the expiration of said five days the chairman of the board of aldermen shall from time to time, when he deems it necessary, notify the members of the board of aldermen and of the common council to meet in convention for the purpose of carrying into effect the provisions of this act. The chairman of the board of aldermen shall be president of the convention, and in his absence the members may choose a president for the time being. A majority of the members shall constitute a quorum for the transaction of business. The convention shall have power to make rules and regulations for the proper conduct of its proceedings. The city clerk shall be clerk of said convention and shall be sworn. He shall keep a record of its doings, and in his absence the convention shall choose a temporary clerk, who shall be sworn. The convention shall have power to employ such assistance and incur such expenses as are necessary for carrying out the provisions of this act, and the same shall be paid by the city: *provided, however,* that the members of the convention shall serve without compensation.

Meeting for carrying into effect provisions of act.

Clerk to keep record, etc.

Proviso.

SECTION 5. The acts of said convention shall not be presented to the mayor, and shall not be subject to his approval or disapproval.

Not subject to approval, etc., of mayor.

SECTION 6. Upon the final dissolution of the convention the records of its doings shall be deposited in the office of the city clerk and preserved in his sole custody, in conformity with the provisions of chapter thirty-seven of the Public Statutes.

Preservation of records.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed: *provided,* that no act heretofore repealed shall thereby be revived; and *provided, also,* that all persons who at the time said repeal takes effect shall hold office under any of said acts shall continue to hold the same according to the tenure thereof; excepting however that the terms of office of all members of the school committee and of the board of overseers of the poor shall expire on the first Monday of January next.

Repeal.
Provisos.

SECTION 8. This act shall take effect upon its passage.

Approved April 6, 1895.

Chap. 262

AN ACT RELATIVE TO THE FILING OF NOMINATION PAPERS.

*Be it enacted, etc., as follows :*1893, 417, § 78,
amended.

SECTION 1. Section seventy-eight of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting in the twenty-first line, after the word "thereto", the words:—and the secretary of the Commonwealth shall not be required in any case to receive and file nomination papers after receiving and filing such papers containing a sufficient number of certified names to make a nomination, with one fifth of such number added thereto, — so as to read as follows:— *Section 78.* Every voter signing a nomination paper shall sign the same in person, and shall add to his signature his place of residence, with the street and number thereof, if any; and every voter may subscribe to as many nominations for each office to be filled as there are persons to be elected thereto, and no more.

Nomination
papers, signa-
tures, etc.Women may
sign for school
committee.

Women qualified to vote for members of the school committee may sign nomination papers for candidates for the school committee. Every nomination paper shall, before being filed, be seasonably submitted to the registrars of voters of the city or town in which the signers purport to be qualified voters, and the registrars, or a majority of the board, to whom the same is submitted, shall forthwith certify thereon the number of signatures which are names of qualified voters both in the city or town for which they are registrars and in the district or division for which the nomination is made. The registrars shall not however be required in any case to certify upon a nomination paper a greater number of names than such number as is required to make a nomination as aforesaid, with one fifth of such number added thereto, and the secretary of the Commonwealth shall not be required in any case to receive and file nomination papers after receiving and filing such papers containing a sufficient number of certified names to make a nomination, with one fifth of such number added thereto. One of the signers to each separate nomination paper shall swear that the statements therein are true, to the best of his knowledge and belief, and the certification of such oath and the post office address of the signer shall be annexed to such paper.

Registrars'
certificate, etc.Oath of signer,
etc.1893, 417, § 61,
amended.

SECTION 2. Section eighty-one of said chapter is hereby amended by adding at the end thereof the follow-

ing words:—Every nomination paper shall be filed by some responsible person, who shall with his own hand sign such paper and add to his signature his place of residence, giving street and number, if any; and the secretary of the Commonwealth or the city or town clerk, as the case may be, shall require a satisfactory identification of such person,—so as to read as follows:—

Section 81. Certificates of nomination and nomination papers for the nomination of candidates for state offices shall be filed with the secretary of the Commonwealth; and certificates of nomination and nomination papers for the nomination of candidates for city and town offices shall be filed in each city and town with the city or town clerk. Every nomination paper shall be filed by some responsible person, who shall with his own hand sign such paper and add to his signature his place of residence, giving street and number, if any; and the secretary of the Commonwealth or the city or town clerk, as the case may be, shall require a satisfactory identification of such person.

Filing of nominations, etc.

Nomination papers to be filed by responsible persons, etc.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1895.

AN ACT RELATIVE TO THE MAXIMUM INSURABLE AGE IN CASES OF ACCIDENT INSURANCE.

Chap. 263

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety is hereby amended by inserting in the eighth line, after the word “began”, the words:—and *provided, further*, that such corporations which insure against accident only may issue policies or certificates on the lives of persons not over seventy years of age, so as to read as follows:—*Section 20.* No corporation doing business under this act shall issue a certificate or policy upon the life of any person more than sixty years of age, nor upon any life in which the beneficiary named has no interest: *provided, however*, that in case of the transfer or reinsurance of members, as provided in section twelve, the foregoing limit of age shall not apply to members who have reached sixty years since their membership began; and *provided, further*, that such corporations which insure against accident only may issue policies or certificates on

1890, 421, § 20, amended.

Not to issue policy upon life of person more than sixty years of age, etc.

Provisos.

the lives of persons not over seventy years of age. Every call for payments by the policy or certificate holders shall distinctly state the purpose of the same, and whether any part thereof shall or may be used for expenses, and if so how much: *provided, however*, that expenses incurred in investigating and contesting cases believed to be fraudulent may be considered as a part of the mortuary expense. Any assignment of a policy or a certificate to a person having no interest in the insured life shall render such policy or certificate void.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1895.

Chap. 264 AN ACT TO AUTHORIZE SUBORDINATE ENCAMPMENTS OF THE INDEPENDENT ORDER, ODD FELLOWS, UNDER THE JURISDICTION OF THE GRAND ENCAMPMENT OF MASSACHUSETTS, TO HOLD AND CONVEY REAL AND PERSONAL ESTATE AS VOLUNTARY ASSOCIATIONS.

Be it enacted, etc., as follows:

May hold estate
as a voluntary
association, etc.

SECTION 1. Any subordinate encampment of the Independent Order, Odd Fellows, duly chartered by and under the jurisdiction of the Grand Encampment Independent Order, Odd Fellows of Massachusetts, may take, hold and convey real and personal estate in the name of such subordinate encampment as a voluntary association, under such rules and regulations as may be framed and prescribed therefor by said grand encampment.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1895.

Chap. 265 AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE COMMON COUNCIL OF THE CITY OF LYNN.

Be it enacted, etc., as follows:

Additional
member of
common council
to be elected.

SECTION 1. The qualified voters of ward seven of the city of Lynn, at the next municipal election and at all municipal elections thereafter, shall give in their votes for one member of the common council from said ward, in addition to the one now authorized to be elected.

When to take
effect.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city.

Approved April 10, 1895.

AN ACT RELATIVE TO THE ORGANIZATION OF THE CITY COUNCIL *Chap.266*
OF THE CITY OF NEWBURYPORT.

Be it enacted, etc., as follows:

SECTION 1. The members elect of the city council of the city of Newburyport shall, on the first Monday in January succeeding their election, at eight o'clock in the afternoon, assemble together and be sworn to the faithful discharge of their duties. The oath may be administered by the mayor, by the city clerk, or by a justice of the peace. At any time after the first Monday in January the oath of office may be administered in the presence of either branch of the city council to a member of such branch who was absent on the first Monday in January or who shall be subsequently elected. In the journal of each branch of the city council a certificate shall be entered that the oath has so been taken by the members of that branch.

City council,
oath of office.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved April 12, 1895.*

Repeal.

AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO TAKE LAND *Chap.267*
FOR PARADE, DRILL AND TARGET PRACTICE BY SUCH PART OF
THE MILITIA AS MAY BE LOCATED IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Haverhill may take, by purchase or otherwise, and hold such land, rights of way or easements within its limits as may be necessary for the parade, drill and target practice of such part of the militia as may be located in said city.

May take
certain land,
etc., for use of
militia.

SECTION 2. Said city shall, within sixty days after the taking of any lands, rights of way or easements, otherwise than by purchase, cause to be recorded in the registry of deeds for the county within which said lands, rights of way or easements lie a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the mayor of said city.

Description of
land, etc., to be
recorded.

SECTION 3. Said city shall pay all damages sustained by any person by the taking of any land, right of way or easement, or by any other thing done by said city under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the

Damages.

Damages.

damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within three years from the taking of such land, right of way or easement, or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. Damages shall not be paid nor shall the person claiming damages have a right to demand the same until the land taken has been entered upon for the purposes of this act. A certificate of such entry signed by the mayor shall be filed in the registry of deeds in the county where the land lies, within thirty days after such entry is made, which certificate shall state the date of entry and the purposes thereof.

SECTION 4. This act shall take effect upon its passage.

Approved April 12, 1895.

Chap. 268 AN ACT RELATIVE TO THE COMPLETION OF BRIGHTON AVENUE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

**May widen
and construct
Brighton
avenue.**

SECTION 1. The board of street commissioners of the city of Boston may, by its order, widen and construct Brighton avenue in the Brighton district of said city, from Union square in said Brighton to the junction of said avenue with Commonwealth avenue, and may order sewers, gas pipes, water pipes and their connections to be laid in said avenue.

**To determine
cost, etc.**

SECTION 2. Said board shall, after its order aforesaid has been carried out, determine the cost incurred thereby, including any expenses in taking land, and other proceedings in the laying out, widening and construction of the avenue, together with any expenses for sewers, not exceeding four dollars per foot of sewer laid therein, and for the connections with said sewers, and for all other work and materials furnished by or for the city in carrying out said order.

**Payment of
expenses, etc.**

SECTION 3. All said expenses, except expenses for gas pipes, water pipes, their connections and the laying thereof, shall be paid from the proceeds of the loan authorized by chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof or in addition thereto; and said board shall assess a proportional share of said cost upon the estates

which said board shall adjudge receive any benefit and advantage from such laying out and construction, or either of them, or the laying of sewers or pipes as aforesaid, beyond the general advantage to all real estate in said city, to the extent of the total amount of the adjudged benefit and advantage to each estate, whether or not a part thereof is taken for said highway; and the portion of said cost not so assessed and paid shall be borne by the city of Boston.

SECTION 4. Except as otherwise specified herein sections ten, twelve and thirteen of said chapter and acts in amendment thereof or in addition thereto shall apply to all proceedings and work done under this act; but in determining damages sustained by the taking of any part of an estate under this act no allowance shall be made by way of set-off for the benefit done to the remainder of said estate and, except as otherwise specified in section two of this act, sections two, three, five, six, seven and eight of chapter fifty-one of the Public Statutes shall apply to assessments under this act, and notice shall be given of such assessments as provided in chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-five.

Certain provisions of law to apply, etc.

SECTION 5. This act shall take effect upon its passage.

Approved April 12, 1895.

AN ACT TO AUTHORIZE THE TRUSTEES OF TOWN DONATIONS OF THE TOWN OF CONCORD TO HOLD THE TITLE TO CEMETERY LOTS.

Chap. 269

Be it enacted etc., as follows:

SECTION 1. Section six of chapter one hundred and eighty-one of the acts of the year eighteen hundred and ninety-two is hereby amended by adding at the end thereof the following words: — Said board may accept and hold the title to any cemetery lot or lots within said town in perpetual trust, as a permanent and exclusive burial place for any person or persons, or class or classes of persons designated in the instrument by which said title becomes vested in said board, but without any obligation to make any expenditure on account of the same unless from funds deposited for that purpose, — so as to read as follows: —

1892, 181, § 6, amended.

Section 6. Said board shall take, hold and manage all sums of money deposited with the treasurer of said town for the care and preservation of cemetery lots, under the

Money deposited for care of cemetery lots, etc.

May hold in
trust title to
cemetery lots,
etc.

provisions of chapter eighty-two of the Public Statutes, and may invest the same in the Middlesex Institution for Savings or other savings banks in this Commonwealth, in separate accounts with each deposit, and shall pay over from the income thereof to the proper persons the sums necessary to carry out the purpose of said deposits. Said board may accept and hold the title to any cemetery lot or lots within said town in perpetual trust, as a permanent and exclusive burial place for any person or persons, or class or classes of persons, designated in the instrument by which said title becomes vested in said board, but without any obligation to make any expenditure on account of the same unless from funds deposited for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1895.

Chap.270 AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS OF THE TOWN OF WHITMAN.

Be it enacted, etc., as follows:

Proceedings
confirmed.

SECTION 1. The proceedings of the annual town meeting of the town of Whitman held in the year eighteen hundred and ninety-four, and of the annual town meeting of said town held in the present year, and any adjournments thereof, shall not be invalid by reason of the omission in the warrant calling such annual meetings, of a specification of the time of opening the polls and the time of closing the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1895.

Chap.271 AN ACT RELATIVE TO WARRANTIES IN LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

1894, 522, § 21,
amended.

SECTION 1. Section twenty-one of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting in the first line, after the word "misrepresentation", the words:—or warranty,—by inserting in the fifth line, after the word "misrepresentation", the words:—or warranty,—and by inserting in the sixth line, after the word "misrepresented", the words:—or made a warranty,—so as to read as follows:—*Section 21.* No oral or written misrepresentation or warranty made in the ne-

Misrepresenta-
tion by assured
not to defeat

gotiation of a contract or policy of insurance, by the assured or in his behalf, shall be deemed material or defeat or avoid the policy, or prevent its attaching, unless such misrepresentation or warranty is made with actual intent to deceive, or unless the matter misrepresented or made a warranty increased the risk of loss.

policy in certain cases.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1895.

AN ACT CHANGING THE LIMITS WITHIN WHICH LAND MAY BE TAKEN BY THE METROPOLITAN PARK COMMISSION WITHIN THE CITY OF MEDFORD.

Chap. 272

Be it enacted, etc., as follows:

Section four of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out in the twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth lines, the words "the southerly base of Pine hill, northwesterly through the southern end of the dam of the south reservoir of the town of Winchester, and extended to the western boundary of said fells, so-called; nor", and inserting in place thereof the words:—the westerly line of Forest street, north fifty-three degrees west, through a point three hundred feet south of the southerly base of Pine hill, and thence in the same course two thousand two hundred and seventy feet to a point at or near Meeting-house brook, so-called; thence north twenty-five degrees west, two thousand two hundred and eighty feet to a point; thence north fifty-four degrees west, eight hundred and thirty feet to a point; and thence north thirty-three degrees west, to the boundary line of the town of Winchester; nor east of said westerly line of Forest street and, —so as to read as follows:—*Section 4.* Said board shall have power to acquire, maintain and make available to the inhabitants of said district open spaces for exercise and recreation; and to this end, acting so far as may be in consultation with the proper local boards, shall be authorized to take, in fee or otherwise, in the name and for the benefit of the Commonwealth, by purchase, gift, devise or eminent domain, lands and rights in land for public open spaces within said district, or to take bonds for the conveyance thereof; and to preserve and care for such public reservations, and also, in the discretion of

1893, 407, § 4, amended.

May acquire, maintain, etc., public open spaces, etc.

said board and upon such terms as it may approve, such other open spaces within said district as may be entrusted, given or devised to said board or to the Commonwealth, by the United States, or by cities, towns, corporations or individuals, for the general purposes of this act, or for any one or more of such purposes as the donor may designate: *provided, however*, that no private property taken for the purpose of this act shall be taken under the right of eminent domain without the concurrence of a majority of the board and of the board of park commissioners, if any, of the city or town in which such property is situated; *provided, further*, that no land shall be taken by the right of eminent domain in that part of the city of Medford known as the Middlesex Fells, southerly of a line drawn from the westerly line of Forest street, north fifty-three degrees west, through a point three hundred feet south of the southerly base of Pine hill, and thence in the same course two thousand two hundred and seventy feet to a point at or near Meeting-house brook, so-called; thence north twenty-five degrees west, two thousand two hundred and eighty feet to a point; thence north fifty-four degrees west, eight hundred and thirty feet to a point; and thence north thirty-three degrees west, to the boundary line of the town of Winchester; nor east of said westerly line of Forest street and southerly of a line drawn from said southerly base of Pine hill, east to the eastern boundary of said fells; *provided, further*, that said board shall not take by purchase or right of eminent domain, under this act, any land or other property to an amount exceeding in value in the aggregate, with land or other property previously taken by purchase or eminent domain hereunder, ninety per centum of the total amount appropriated by the legislature or contributed by individuals or corporations for that purpose, *provided, further*, that nothing in this act shall be construed to limit existing rights of any city or town in relation to water supply purposes, or in any way obstruct their taking advantage of such rights. In furtherance of the powers herein granted, said board may employ a suitable police force, make rules and regulations for the government and use of the public reservations under their care, and for breaches thereof affix penalties not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; and in general may do

Provisos.

Police, rules,
penalties, etc.

all acts needful for the proper execution of the powers and duties granted to and imposed upon said board by the terms of this act. Said board shall also have power to expend such funds, whether principal or income, as may be given in trust, as provided for in section five.

Expenditure of trust funds.

Approved April 12, 1895.

AN ACT TO PROVIDE FOR THE REMOVAL OF PRISONERS COMMITTED TO COUNTY PRISONS BY UNITED STATES COURTS.

Chap. 273

Be it enacted, etc., as follows:

The commissioners of prisons shall have the same right and authority to remove from one jail or house of correction to another, or to the Massachusetts reformatory, or to the reformatory prison for women, a person committed to such jail or house of correction by any United States court, that they have to remove a person committed by any court of the Commonwealth, and all laws in regard to the removal of prisoners committed by any court of the Commonwealth shall apply to the removal of a person committed by any United States court.

Removal of certain prisoners committed by United States courts.

Approved April 12, 1895.

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO INCUR ADDITIONAL INDEBTEDNESS FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE.

Chap. 274

Be it enacted, etc., as follows:

SECTION 1. The town of Melrose, for the purpose of defraying the expense of laying, making and maintaining a system of main drains and common sewers, is hereby authorized to issue from time to time as may be required therefor, bonds, notes or scrip to an amount not exceeding one hundred thousand dollars; such bonds, notes or scrip shall bear on their face the words, Melrose Sewerage Loan, Act of 1895; shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and countersigned by the sewer commissioners of said town. Said town may sell such securities or any part thereof from time to time at public or private sale, but none of said bonds, notes or scrip shall be issued

Melrose Sewerage Loan, Act of 1895.

or sold except in compliance with the vote of said town, nor for less than par value thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1895.

Chap. 275 AN ACT RELATIVE TO THE DISTRIBUTION OF CIRCULARS AND PRINTED MATTER IN THE VICINITY OF POLLING PLACES.

Be it enacted, etc., as follows:

1893, 417, § 149,
amended.

SECTION 1. Section one hundred and forty-nine of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting in the thirteenth line, after the word "rail", the words:—and no other poster, card, handbill, placard, picture or circular, except a paster to be placed upon the official ballot, intended to influence the action of the voter, shall be posted, circulated or distributed in the polling place, in the building in which the polling place is located, or on the walls thereof, or on the premises on which the building stands, or on the sidewalk adjoining the premises where such election is being held, — and by inserting in the twenty-sixth line, after the word "rail", the words:—and no other poster, card, handbill, placard, picture or circular, except a paster to be placed upon the official ballot, intended to influence the action of the voter, shall be posted, circulated or distributed in the polling place, in the building in which the polling place is located, or on the walls thereof, or on the premises on which the building stands, or on the sidewalk adjoining the premises where such election is being held, — so as to read as follows:—*Section 149.* The presiding election officer at each polling place in a city or town shall, on the day of any election of state or city officers, before the opening of the polls, open the package containing the cards of instruction, specimen ballots and copies of any proposed amendments to the constitution, which have been received for such polling place, and shall cause not less than three such cards and three such copies, if any, and not less than five specimen ballots to be posted in and about the polling place outside the guard rail, and shall also cause the cards of instruction and a copy of any proposed amendment to be posted at or in each marking shelf or compartment inside the guard rail; and no other poster, card, handbill, placard, picture or circular, except a paster to be placed upon the official ballot, intended to influence the action

State and city
elections, post-
ing of instruc-
tions, etc.

Certain hand-
bills, etc., not to
be circulated,
etc.

of the voter, shall be posted, circulated or distributed in the polling place, in the building in which the polling place is located, or on the walls thereof, or on the premises on which the building stands, or on the sidewalk adjoining the premises where such election is being held. The presiding election officer at each polling place shall at the opening of the polls at any such election publicly break the seals of the packages containing the ballots for distribution at such polling place, open the packages, and deliver the ballots to the ballot clerks.

Delivery of ballots to ballot clerks.

In elections of town officers in towns, for which ballots have by law been provided at the expense of the town, the town clerk shall, on the day of election, before the opening of the polls, cause not less than three cards of instruction and not less than five specimen ballots to be posted in or about the polling place outside the guard rail, and shall cause cards of instruction to be posted at or in each marking shelf or compartment inside the guard rail, and no other poster, card, handbill, placard, picture or circular, except a paster to be placed upon the official ballot, intended to influence the action of the voter, shall be posted, circulated or distributed in the polling place, in the building in which the polling place is located, or on the walls thereof, or on the premises on which the building stands, or on the sidewalk adjoining the premises where such election is being held.

Town elections, posting of instructions, etc.

Certain handbills, etc., not to be circulated, etc.

The town clerk shall likewise on the day of election, before the opening of the polls, deliver the ballots to the ballot clerks, who shall receipt therefor, and their receipt shall be preserved in the office of the clerk for the period of one year. No such ballots shall, however, be delivered to voters until a moderator has been chosen in the manner provided by law.

Delivery of ballots to ballot clerks.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding twenty dollars.

Penalty.

Approved April 12, 1895.

AN ACT TO AUTHORIZE THE EMPLOYMENT OF A LEGACY TAX CLERK
IN THE TREASURY DEPARTMENT.

Chap. 276

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general may employ in his department a legacy tax clerk, who shall receive an annual salary of eighteen hundred dollars.

Legacy tax clerk, compensation.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1895.

Chap. 277 AN ACT TO AUTHORIZE THE SALE, DURING FEBRUARY AND MARCH,
OF CERTAIN TROUT ARTIFICIALLY REARED.

Be it enacted, etc., as follows:

Sale of
certain trout
authorized.

SECTION 1. Trout not less than nine inches in length, hatched from the egg in the house of the owner and grown in pools of said owner, may be sold for food during the months of February and March.

Penalty.

SECTION 2. Whoever sells any trout in said months, except as provided in the preceding section, shall be punished by a fine of twenty dollars for each offence.

Approved April 16, 1895.

Chap. 278 AN ACT RELATIVE TO THE ABOLITION OF A GRADE CROSSING IN
THE TOWN OF WESTFIELD.

Be it enacted, etc., as follows:

May prescribe,
etc., alterations
in railroad, etc.

SECTION 1. The superior court and the justices thereof, and the commission appointed thereby to consider the abolition of the grade crossing of the railroad of the Boston and Albany Railroad Company and North Elm street, in Westfield, are authorized to prescribe, order and decree the raising of the tracks and railroad, the bridge across the Westfield river, and the depot, owned by the New Haven and Northampton Company, and leased to the New York, New Haven and Hartford Railroad Company, and to prescribe, order and decree such other alterations in said railroad, bridge and depot as they may deem necessary or advisable for the alteration or abolition of said crossing.

To be com-
menced within
six months after
final decree, etc.

SECTION 2. Any raising or alteration of said railroad, tracks, bridge or depot shall be done by said New York, New Haven and Hartford Railroad Company, according to specifications furnished by said commission, and shall be commenced within six months after the final decree of said court and prosecuted to completion with reasonable diligence. The expenses incurred in such raising or alteration shall be repaid to said New York, New Haven and Hartford Railroad Company, and shall be a part of the expense of the abolition of said crossing, to be audited and apportioned among and paid by the Commonwealth, the town of Westfield and the Boston and Albany Railroad Company as the said commission and court shall order and decree.

Expenses.

SECTION 3. This act shall take effect upon its passage.

Approved April 17, 1895.

AN ACT TO AUTHORIZE THE CITY OF QUINCY TO CONSTRUCT A Chap. 279
SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy is hereby authorized to adopt and construct from time to time a system or systems of sewerage and sewage disposal, substantially in accordance with general plans which may be adopted by the city council of said city and approved by the state board of health; and is authorized to connect all or any of said systems of sewerage with the sewers or sewerage system or systems of the city of Boston, the town of Hyde Park, the town of Milton, or of the Metropolitan district, for the purpose of disposing of sewage through the same; and is authorized to make contracts with said city, towns or district, for that purpose, or to contract with the town of Milton to furnish a sufficient outlet for the sewerage systems of said town; and in such case said town shall have and may exercise within said city of Quincy all the powers prescribed in section three hereof, so far as necessary to enable it to connect its sewerage systems with the sewerage system of Quincy. The compensation to be paid by said town, after the first five years, for furnishing such outlet, if not agreed on, shall be fixed at intervals of five years, by three commissioners to be appointed by the supreme judicial court, to which court their award shall be returned. The exclusive authority to construct, lay, maintain, repair, alter and operate all sewers and drains embraced within such system or systems, and such other works as may be required to be constructed, maintained and operated for a system of sewage disposal for said city of Quincy, shall be vested in a board of sewerage commissioners, to be appointed as hereinafter provided: *provided, however*, that said commissioners from time to time, whenever any section of said system or systems is completed and put in successful operation, shall, upon request of the mayor, transfer the management, operation and control of the same to the commissioner of public works of said city of Quincy; and thereafter said commissioner shall have exclusive authority to maintain, repair, alter and operate such section; and *provided, further*, that whenever said system or systems shall be substantially completed and put in successful operation said commissioners, upon written request of the mayor, shall trans-

May construct a system of sewerage, etc.

Authority to construct, etc., to be vested in board of sewerage commissioners.

Proviso.

fer the same to said commissioner of public works; and thereupon the powers of said board of sewerage commissioners shall cease and all of its powers shall be vested in, and all of its duties imposed upon, said commissioner of public works. Said commissioners shall make all contracts for the above purposes in the name and behalf of the city of Quincy, but no contract shall be made by them which involves the expenditure of money not already appropriated for the purpose by the municipal government of said Quincy.

Sewerage
commissioners,
appointment,
terms, etc.

SECTION 2. Said board shall consist of three commissioners, who shall be citizens of said city of Quincy and shall be appointed by the mayor as soon as practicable after this act shall have been accepted by the voters of said city of Quincy as hereinafter provided; they shall hold their offices respectively until the expiration of one, two and three years from the first Monday in February next preceding their appointment, and until their respective successors have been appointed and qualified, unless they shall sooner resign or be removed for cause as hereinafter provided; and thereafter in January in each succeeding municipal year one person shall be so appointed a member of said board, who shall hold office for three years from the first Monday in February next ensuing and until his successor has been appointed and qualified, unless his duties are sooner terminated as hereinafter provided. Appointments to fill vacancies which may occur by death, resignation or otherwise shall be made without delay by the mayor, and he may remove any sewerage commissioner from office for the causes and in the manner provided in section twenty-seven of chapter three hundred and forty-seven of the acts of the year eighteen hundred and eighty-eight. Said commissioners shall have such office room and clerical assistance and shall receive such compensation as the city council from time to time may determine.

Vacancies,
removals, etc.

Compensation,
etc.

May take lands,
divert streams,
construct
sewers, etc.

SECTION 3. Said board of commissioners, acting in behalf of said city of Quincy, shall have full power to take by purchase or otherwise, for the purposes aforesaid, any lands, flats, water rights, rights of way or easements in said city of Quincy necessary for the establishment of such system or systems of sewerage and sewage disposal, and for main drains and common sewers, if any, not included in such system or systems, together with the

outlet or outlets for the discharge of the sewage into tide water, and the connections therewith; and may divert streams or water courses, may construct sewers under or over any water course, street, bridge, embankment, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up any private land or street for the purposes of laying such sewers beneath the surface thereof and of maintaining and repairing the same, and may do any other thing necessary or proper in executing the purposes of this act.

SECTION 4. Said board shall, within thirty days after its selection of any lands, flats, water rights, rights of way, easements or other property to be purchased or taken under this act, file or cause to be recorded in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same are taken or purchased, which description and statement shall be signed by said commissioners, and the fee or title of the land or property so taken or purchased shall thereupon vest in the city of Quincy; and the date of such filing or recording shall be deemed the date of the taking. Said city of Quincy shall be liable to pay all damages that shall be sustained by any person or corporation by reason of said taking, such damages to be ascertained and determined in the manner provided in the general laws in regard to ascertaining and determining damages in case of the laying out, altering or discontinuing of highways.

Description of lands, etc., to be recorded.

Damages.

SECTION 5. In every case of a petition for the assessment of damages or for a jury said city of Quincy may at any time file an offer in writing with the other papers in the case, to pay the petitioner a sum therein specified as damages, and if he does not accept the same within ten days after notice of such offer and does not finally recover a greater sum than that offered, not including interest from the date of the offer on the sum so recovered, the city shall recover costs from said date, and if the petitioner does not recover damages in a greater sum than that offered as aforesaid he shall be entitled to costs only to the date of the offer.

City may offer a specified sum, etc.

SECTION 6. Said city of Quincy shall, in respect to all work and structures in tide water below high water mark, be subject to the provisions of chapter nineteen of the

P. S. 19, etc., to apply.

Public Statutes and of all acts in amendment thereof, so far as the same are applicable to the subject-matter of this act.

Report of proceedings, etc., to be made to city council, etc.

SECTION 7. Said board shall make a semi-annual report of its proceedings and expenditures to the city council, and shall make further reports when requested so to do by the city council. Said commissioners shall cause to be made and retained in their office, at the expense of the city, complete plans and descriptions of all sewers and drains composing said system or systems, or otherwise belonging to the city, and shall keep a true record of the charges of making and repairing the same and of all assessments therefor.

Apportionment of cost of system.

SECTION 8. The city council of said city of Quincy may by vote determine what proportion of the cost of said system or systems of sewers said city of Quincy shall pay : *provided*, that it shall not pay less than one third nor more than one half of the whole cost. The remaining cost of said system or systems shall be borne by the owners of estates situated within the territory embraced by it and benefited thereby, but no estate shall be deemed to be benefited unless or until a sewer is constructed into which it can be drained. Assessments or charges for defraying said remaining cost shall be made on the owners of such estates by said commissioners in such manner as the city council of said city of Quincy may by vote determine, in accordance with the provisions of chapter fifty of the Public Statutes and acts in amendment thereof and in addition thereto; and every such owner shall within three months after written notice of such assessment or charge, served on him or on the occupant of his estate, or sent by mail to the last address of said owner known to said commissioners, pay the sum so assessed or charged, to the city treasurer; *provided*, that said board shall, on the written request of any such owner made within said three months, apportion such assessment or charge into such number of equal parts or instalments, not exceeding ten, as said owners shall state in such request, and they shall certify such apportionment to the assessors; interest from the date of said apportionment at the rate of five per cent. per annum shall be added to each of said assessments or charges until they are paid, and one of said parts shall be added by the assessors to the annual tax on such estates for each year next ensuing until all

Proviso.

Payment of assessments, etc.

Provisos.

said parts have been so added, unless sooner paid, as hereinafter provided; and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments or charges then remaining unpaid, but interest on such balance at the rate of five per cent. per annum shall be paid to the date of such payment; and thereupon the city treasurer shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof. In cases of corner lots and lots abutting on more than one sewered street the same area shall not be assessed more than once.

SECTION 9. An assessment or charge made under the provisions of section eight shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above-provided, or in case of apportionment, until the expiration of two years from the time the last instalment is committed to the collector; and said assessment or charge together with interest at the rate of five per cent. per annum may, with incidental costs and expenses, be levied by sale of such estate or so much thereof as shall be sufficient to discharge the assessment or charge and intervening charges, if the assessment or charge is not paid within three months after service of said notice, or if apportioned, within three months after any part has become due. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes, and in the same manner. Such assessment or charge or parts thereof may also be collected by an action of contract in the name of the city of Quincy against the owner of said estate, brought at any time within three years after the same has become due.

Assessment to constitute a lien upon estate, etc.

May be collected by an action of contract.

SECTION 10. Any person aggrieved by such assessment or charge may, at any time within three months after service of the notice mentioned in section nine of this act, apply to the superior court of said county for a jury to revise the same, but before making such application he shall give fourteen days' notice in writing of his intention so to do to the commissioners, and shall therein particularly specify his objection to the assessment or charge, to which specification he shall be confined before the jury.

Persons aggrieved may apply for jury to revise assessment.

P. S. 50, etc.,
to apply.

SECTION 11. All the provisions of chapter fifty of the Public Statutes and of acts in amendment thereof or in addition thereto pertaining to sewers and drains, not inconsistent with this act, shall apply to the city of Quincy in carrying out the provisions of this act.

Quincy
Sewerage Loan.

SECTION 12. The city of Quincy, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness and may issue from time to time as may be required therefor, bonds, notes or scrip to an amount not exceeding four hundred thousand dollars outside the limit of indebtedness fixed by law for said city, and the provisions of section four of chapter twenty-nine of the Public Statutes, as amended by chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five shall not apply to any debt created under the authority conferred by this act. Such bonds, notes or scrip shall bear on their face the words, Quincy Sewerage Loan, shall be payable within such periods, not exceeding forty years from the issuing of such bonds, notes or scrip, respectively, and bear interest payable semi-annually at such rate, not exceeding five per cent. per annum, as the city council may determine. The city of Quincy may sell such securities, or any part thereof, from time to time at public or private sale, or pledge the same for money borrowed for the purposes of this act, provided that they shall not be sold or pledged for less than the par value thereof; and said city shall retain the proceeds thereof in the treasury, and the treasurer shall pay therefrom the expenses incurred for the purposes aforesaid: but the premiums, if any, received on the sale of such bonds, notes or scrip shall be paid over to the board of sinking fund commissioners and be placed in the sinking fund of said city of Quincy, created for the payment of the loan herein authorized; or, in case said sinking fund is not established as hereinafter provided for, shall be applied to the reduction of the principal of said debt, either by the purchase and retirement of a portion of the outstanding bonds or by the payment of bonds at maturity.

Payment of
loan.

SECTION 13. The receipts from annual rates, assessments, and payments made in lieu thereof, under this act shall, after deducting all charges and expenses for and incident to the maintenance and operation of said system or systems, be applied first to the payment of the interest

upon said bonds, notes or scrip issued under the authority of this act, and the balance shall be set apart to meet the requirements of the sinking fund for the payment and redemption of said bonds, notes or scrip, as provided in section nine of chapter twenty-nine of the Public Statutes, or shall be applied by said city of Quincy to extinguish said debt if said sinking fund is not established. If the surplus net income from said rates, assessments, and payments made in lieu thereof, shall in any year be insufficient to pay the interest on said bonds, notes or scrip, and to meet the requirements of law either as to said sinking fund, as hereinbefore provided, or as to the annual proportionate payments hereinafter provided for, then in such case said city of Quincy, to meet said deficiency, shall raise forthwith by taxation, in the same manner as money is appropriated and assessed for other city purposes, such sum as will together with said net income be sufficient to meet said requirements of law. Said sinking fund shall be used for no other purposes than the payment and redemption of said debt. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall, so far as applicable, apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity. If in any year said surplus net income shall be in excess of the sum necessary to pay said interest and to meet the requirements of the sinking fund for said year, or of the annual proportionate payments hereinafter provided for, the surplus, together with any other amounts appropriated from time to time by said city of Quincy for the payment of said principal sum, shall be added to said sinking fund or be applied to the reduction of the principal of said debt, either by purchase and retirement of a portion of said outstanding indebtedness or by the payment of the same at maturity. All bonds, notes or scrip of said city of Quincy purchased for redemption or retirement under this act shall be cancelled. The sinking funds of any loan of said city of Quincy may be invested in said bonds, notes or scrip.

Payment of
loan.

P. S. 29 and
1884, 129, to
apply, etc.

SECTION 14. Said city of Quincy instead of establishing a sinking fund may by vote provide for such annual proportionate payments of said indebtedness as will extinguish the same within the time prescribed in this act,

May provide for
annual pay-
ments on loan.

May provide
for annual pay-
ments on loan.

and the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and eighty-two, except as herein otherwise expressly provided shall, so far as applicable, apply to said annual proportionate payments. In determining the amounts of the several annual payments to be made under this section account shall be taken in each year of the aggregate sums already received from the owners of benefited estates by way of anticipation of the parts or instalments accruing under said assessments. Each of said annual payments to be made under this section shall be such and only such as shall, at the time the money therefor is appropriated, appear to the city council of the city of Quincy to be sufficient, when added to the other like annual payments and the several instalments or parts of assessments then unpaid, to discharge the entire indebtedness at maturity, assuming that the several instalments to fall due in the future will be paid as the same mature, respectively, and not before; but from year to year as it may be found that parts or instalments of assessments have been paid in anticipation of their respective dates of maturity the aggregate sums actually paid into the city treasury of said city of Quincy up to the year in question shall be taken into account in fixing the proportionate payments to be made by said city during that year and subsequent years.

Repeal.

SECTION 15. So much of chapter three hundred and forty-seven of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof as is inconsistent with the provisions of this act is hereby repealed.

To be submitted
to qualified
voters, etc.

SECTION 16. This act shall be submitted for its acceptance to the qualified voters of the city of Quincy, and shall be void unless such voters, voting in their respective wards or precincts at a legal meeting called by order of the city council in the same manner as meetings for municipal elections are called, shall, before the first day of January in the year eighteen hundred and ninety-seven, determine by a majority of ballots to accept the same.

When to take
effect.

SECTION 17. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said city of Quincy shall take effect upon its passage, but it shall not take further effect unless and until accepted, as hereinbefore provided, by the qualified voters of said city of Quincy; and the number of meetings called for the purpose of its acceptance shall not exceed three in any year.

Approved April 17, 1895.

AN ACT RELATIVE TO THE ERECTION AND ALTERATION OF BUILDINGS IN THE CITY OF BOSTON.

Chap.280

Be it enacted, etc., as follows:

Section fifty-five of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by inserting in the third line, after the word "them", the words:—and every permit granted shall state for what purpose the building is designed to be used,—by striking out in the fifth line, the word "seventy", and inserting in place thereof the word:—fifty,—by inserting in the eighth line, after the word "for", the words:—store floors,—by striking out in said eighth line, the words "stores, storehouses", by striking out in the ninth line, the word "factories", by inserting in the tenth line, after the word, "schools", the words:—at least,—and by adding at the end the words:—The weight for floors not included in this classification shall be determined by said inspector, subject to appeal as provided by law,—so as to read as follows:—

1892, 419, § 55,
amended.

Section 55. All new or renewed floors shall be so constructed as to carry safely the weight to which the proposed use of the building will subject them, and every permit granted shall state for what purpose the building is designed to be used; but the least capacity per superficial square foot, exclusive of materials, shall be:—For floors of dwellings, fifty pounds. For office floors, one hundred pounds. For floors of public buildings, one hundred and fifty pounds. For store floors, floors of warehouses and mercantile buildings of like character, drill rooms and riding schools, at least two hundred and fifty pounds. The weight for floors not included in this classification shall be determined by said inspector, subject to appeal as provided by law.

Construction of
buildings in
city of Boston.

Strength of
floors.

Approved April 17, 1895.

AN ACT RELATIVE TO MISREPRESENTATIONS IN APPLICATIONS FOR MEMBERSHIP IN FRATERNAL BENEFICIARY CORPORATIONS.

Chap.281

Be it enacted, etc., as follows:

SECTION 1. When any certificate is issued to a resident of the Commonwealth by any fraternal beneficiary corporation organized under the laws of or admitted to do business in this Commonwealth, no oral or written misrepresentation or warranty made by the assured or in his behalf in the application for such certificate, or in the

Certain misrep-
resentations not
to defeat or
avoid certificate.

negotiation of the contract, shall be deemed material or defeat or avoid the certificate or prevent its attaching, unless such misrepresentation or warranty is made with actual intent to deceive, or unless the matter misrepresented increased the risk of loss.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1895.

Chap.282

AN ACT RELATIVE TO OYSTER CULTURE.

Be it enacted, etc., as follows:

Certain provisions of law extended.

SECTION 1. The provisions of sections ninety-seven, ninety-eight, ninety-nine, one hundred and one hundred and one of chapter ninety-one of the Public Statutes and all acts in amendment thereof or in addition thereto, are, so far as applicable, hereby extended so as to apply to oyster shells to be planted for the purpose of catching the oyster seed.

Shore line of grants, etc., defined.

SECTION 2. The shore line of the grants or licenses mentioned in said section ninety-seven shall in all cases be construed to be the line of mean low water, so far as the planting and growing of oysters is concerned, and the line of high water for the purpose of placing said shells, but nothing herein contained shall authorize the placing of such shells upon the land of any riparian owner, between high water and low water mark, without the written consent of such owner.

Not to abridge certain rights.

SECTION 3. Nothing in this act shall abridge the right now enjoyed by any inhabitant of the Commonwealth to take clams for the use of himself and family, or for bait, not to exceed, including shells, three bushels a day.

Approved April 17, 1895.

Chap.283

AN ACT RELATIVE TO THE METROPOLITAN PARKS LOANS SINKING FUNDS.

Be it enacted, etc., as follows:

Metropolitan Parks Loans Sinking Fund.

SECTION 1. The treasurer and receiver general is hereby authorized to consolidate the sinking funds established for the payment of the metropolitan parks loan, issued under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and chapters four hundred and eighty-three and five hundred and nine of the acts of the year eighteen hundred and ninety-four, and for the payment of the metropolitan

parks loan, series two, issued under the provisions of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four, into one sinking fund, to be known as the Metropolitan Parks Loans Sinking Fund.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1895.

AN ACT IN RELATION TO THE CARE AND CUSTODY OF THE STATE HOUSE.

Chap. 284

Be it enacted, etc., as follows:

SECTION 1. The sergeant-at-arms shall have the general charge and oversight of the state house and its appurtenances, of the Commonwealth building, and of any buildings in Boston rented by the Commonwealth for the use of public officers, and shall see that the chambers and lobbies occupied by the general court or its committees are, both during sessions and recesses, kept clean and in good order; shall superintend all ordinary repairs thereof, and shall have charge of the current expenses for the care and preservation of the state house and its appurtenances, and of the Commonwealth building, and for the ordinary repairs of the furniture and fixtures therein. He shall take proper precautions against damage thereto, or to the furniture, fixtures or other public property therein. All repairs, improvements, furniture, fixtures or supplies required for use in the state house, the Commonwealth building, or any office hired or leased by the Commonwealth, shall be made or furnished only upon requisition to the sergeant-at-arms and duly approved by him, or, in case of new furniture or fixtures, by the state house commission. Such requisitions must be signed by the head of the department or chief clerk in charge.

Sergeant-at-arms to have general charge and oversight of state house, etc.

Requisitions for repairs, furniture, etc.

SECTION 2. Commencing with the first day of January in the year eighteen hundred and ninety-five the salary of the sergeant-at-arms shall be three thousand five hundred dollars a year.

Sergeant at-arms, compensation.

SECTION 3. The sergeant-at-arms shall give bond to the treasurer of the Commonwealth in the sum of ten thousand dollars for the faithful performance of his duties and the proper accounting for all moneys entrusted to him for the use of the Commonwealth.

To give bond.

SECTION 4. The sergeant-at-arms, the assistant sergeant-at-arms, the sergeant-at-arms' messengers, and the

Sergeant-at-arms, messengers, watchmen,

etc., powers
and duties.

watchmen shall take proper care to prevent the commission of any trespass or injury in or upon any part of the state house or its appurtenances; and if any such trespass or injury is committed, and the offender is known, they shall forthwith give notice thereof to the attorney-general or to the district attorney for the Suffolk district, in order that the offender may be prosecuted therefor. For any criminal offence committed in any part of the state house, the state house grounds, or the Commonwealth building, they shall have the same power to make arrests as the police officers of the city of Boston.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved April 17, 1895.

Chap. 285

AN ACT RELATIVE TO THE APPOINTMENT OF TELLERS IN TOWNS.

Be it enacted, etc., as follows:

Tellers,
appointment,
duties, etc.

SECTION 1. The selectmen of a town shall at least five days prior to a state or town election, as the case may be, appoint qualified voters of a town as tellers, to assist at the ballot box and in checking the names of voters upon the voting lists, and in canvassing and counting the votes; selectmen and wardens, and moderators, town clerks and justices of the peace, when presiding in towns at state and town elections, as the case may be, may appoint qualified voters of a town as additional tellers, to assist at the ballot box and in checking the names of voters upon the voting lists, and in canvassing and counting the votes; and they shall in any such case appoint additional tellers when requested in writing so to do by ten qualified voters of a town. When tellers are appointed as aforesaid at elections, for which ballots are provided at the expense of the Commonwealth or of the town, they shall be so appointed that the election officers making and assisting in making the canvass and count of votes shall equally represent the two leading political parties.

Political
representation.

Candidates not
eligible.

No person shall be eligible to the position of teller at an election in which he is a candidate to be voted for.

Oath of office.

Tellers appointed as aforesaid shall be sworn to the faithful discharge of their duties, and the oath may be administered by the presiding officer, for the time being, or by the town clerk or a justice of the peace, and the clerk shall make a record thereof.

SECTION 2. Section one hundred and sixteen of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby repealed.

Approved April 17, 1895.

Repeal.

AN ACT RELATIVE TO THE COMMITMENT OF INSANE PERSONS.

Chap. 286

Be it enacted, etc., as follows :

SECTION 1. In any hearing held in any proceedings for the commitment for proper treatment of any person alleged to be insane, to a lunatic hospital, asylum or other place provided by law, no one shall be qualified as a physician to make to a judge at such hearing a certificate of the insanity of a person unless he shall make oath that he is a graduate of a legally chartered school or college ; that he has been in the actual practice of his profession in this Commonwealth as a physician for at least three years since his said graduation, and for the three years next preceding his making said oath ; nor unless he is duly registered, in compliance with the provisions of chapter four hundred and fifty-eight of the acts of the year eighteen hundred and ninety-four, and continues to be so registered ; nor unless his standing, character and professional knowledge of insanity is satisfactory to such judge. Each certificate bearing date more than ten days prior to any commitment of any person alleged to be insane shall be null and void, and no certificate shall be valid or received in evidence if signed by any physician holding any office or appointment in or connected with the hospital, asylum or other place for the insane to which the person in question may be committed by order of the judge. Every physician certifying as herein provided must himself have examined the person alleged to be insane, within five days of his signing the certificate, and every such physician shall state in said certificate that in his opinion said person is insane and a proper subject for treatment in an insane hospital or asylum, and shall specify the facts on which his opinion is founded. A copy of the certificate, attested by the judge, shall be delivered by the officer or other person making the commitment, to the superintendent of the hospital or other place to which the person shall be committed, and shall be filed and kept with the order of commitment.

Qualification of persons to make certificate of insanity.

Certain certificates to be void, etc.

SECTION 2. The forms following section three of this act may be used by the judge in each instance in proceed-

Forms for commitment, etc.

ings regarding the commitment of the insane as aforesaid, and shall be deemed sufficient if substantially followed; but this section shall not be so construed as to prohibit the use of other suitable forms containing the required statements of facts regarding the physicians certifying and the case of the person alleged to be insane. A copy of each physician's certificate of insanity required under the provisions of this act shall be mailed to the state board of lunacy and charity by the superintendent of each lunatic hospital and asylum, within forty-eight hours after the commitment of each person adjudged insane.

Repeal.

SECTION 3. Section thirteen of chapter eighty-seven of the Public Statutes and chapter two hundred and twenty-nine of the acts of the year eighteen hundred and ninety-two are hereby repealed.

MEDICAL CERTIFICATE OF LUNACY.

Statement of Facts,

Form for medical certificate of lunacy.

In regard to the insanity of _____ of _____ in the county of _____ and the State of Massachusetts, made upon knowledge, information and belief, by an examiner in lunacy. [If any of the particulars in this statement are not known the fact shall be so stated in words.]

1. Sex, _____; age, _____ years; nativity, _____; [If foreign, how long in the United States.] color, _____; occupation, _____; single, married, widowed.

2. Number of previous attacks, _____; present attack begun 189 _____. [If the patient has ever been an inmate of an institution for the insane, state when, where and for what length of time, and whether discharged, recovered or otherwise.]

3. Was the present attack gradual or sudden in its onset?

4. What is the bodily condition of the patient?

5. Has the patient been physically injured? If so, when and to what extent?

6. Is the patient subject to epilepsy?

7. Is the patient cleanly in dress and personal habits?

8. Is the patient paralytic, violent, dangerous, destructive, excited or depressed, homicidal or suicidal? [If homicide or suicide has been attempted or threatened, it should be so stated.]

9. What is the supposed cause of the patient's insanity? [State both the predisposing and exciting cause.]

10. Has the patient insane relatives, and if so state the degree of consanguinity, and whether paternal or maternal?

11. What are the patient's habits as to the use of liquor, tobacco, opium, chloral or other narcotic?

STATE OF MASSACHUSETTS,

County of _____, ss.

City or town of _____,

I, _____, a permanent resident of _____, county of _____, State of Massachusetts, being duly sworn, make oath and depose, with the exceptions which are hereinafter noted, as follows: —

1. That I am legally qualified to act as an examiner in lunacy. Form for medical certificate of lunacy.
 2. That within five days prior to the date of this certificate, namely, on the _____ day of _____ 189____, I, the subscriber, personally examined with care and diligence _____, a resident of _____, in the State of _____, and as a result of such examination find, and hereby certify to the fact, that said _____ is insane and a proper person for care and treatment in some hospital, asylum or other institution for the insane, as an insane person under the provisions of the statute.
 3. That I have formed the above opinion upon the subjoined facts, viz.: —
a. Facts indicating insanity, personally observed by me, as follows: —
 The patient said [Here state what was said to the examiner.]
 The patient did [Here state what the patient did in presence of the examiner.]
 The patient's appearance and manner was :
b. Other facts indicating insanity, including those communicated to me by others, are as follows: — [State if there has been any change in the patient's mental condition and bodily health, and if so, what.]
 4. That the answers to the questions contained in the statement are true, to the best of my knowledge, information and belief.

M D.
189 .

Sworn and subscribed before me this _____ day of _____

STATE OF MASSACHUSETTS,

County of _____, ss.
 City or town of _____
 I, a judge of _____, do, on this _____ day of _____, 18____, hereby approve the foregoing medical certificate of lunacy, made by a physician who, in my judgment, is qualified to act as an examiner in lunacy, the contents of the same having been certified to me under oath, and it being represented to me that it is intended to commit the said _____ to [Name of hospital or asylum.] for care and treatment.

[Signature of judge.]

Approved April 17, 1895.

AN ACT RELATIVE TO THE POWER OF THE CITY COUNCIL OF THE CITY OF NORTHAMPTON TO MAKE AND ESTABLISH ORDINANCES AND BY-LAWS FOR SAID CITY.

Chap. 287

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Northampton shall have power to make and establish such ordinances and by-laws as cities and towns have power by law to make and establish; such ordinances and by-laws to have force and effect within said city without approval by the superior court or any justice thereof, and without being entered and recorded in the office of the clerk of the courts in the county in which said city is situated; and said city council shall have power to modify, amend or repeal the same, and to affix such penalties for the

City council may establish ordinances and by-laws, and penalties, etc.

Proviso.

breach thereof as are not inconsistent with the laws of the Commonwealth: *provided, however*, that all ordinances and by-laws heretofore enacted by said city council which have not expired by their own limitation or have not been revised or repealed by said city council, shall hereafter, until they expire by their own limitation, or until they are revised or repealed by said city council, have the same force and effect as though they had been approved by the superior court or a justice thereof, and entered and recorded in the office of the clerk of the courts in the county in which said city is situated. All fines and forfeitures for the breach of any ordinance or by-law shall be paid into the city treasury, and any complaint for any breach thereof may be made by the mayor, city clerk, city treasurer, city marshal or chief of police.

Fines and forfeitures.

Repeal.

SECTION 2. Section thirty-nine of chapter two hundred and fifty of the acts of the year eighteen hundred and eighty-three is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 17, 1895.

Chap.288 AN ACT RELATIVE TO THE ACCOUNTS OF TRUSTEES AND GUARDIANS.
Be it enacted, etc., as follows:

Adjudication,
etc., of certain
accounts of
trustees and
guardians.

SECTION 1. When upon the filing of any account in a probate court it appears to the court for cause shown that the items of said account should be finally determined and adjudicated, or at the option of the accountant after two years since any such adjudication, or his appointment, notice of such proposed action on such account shall be given to all parties as the court shall order; if the interest of a person unborn, unascertained or legally incompetent to act in his own behalf is not represented otherwise than by the accountant, the court shall appoint some competent and disinterested person to act as guardian ad litem or next friend for such person, and to represent his interest in the case. The person so appointed shall make oath to perform his duty faithfully and impartially, and shall be entitled to such reasonable compensation for his services as the court may allow. And thereupon, the decree upon said account shall have the same effect upon all items thereof as in the case of the allowance of matters in dispute under the provisions of section nine of chapter one hundred and forty-four of the Public Statutes.

SECTION 2. Sections thirteen and fourteen of chapter one hundred and forty-four of the Public Statutes and all acts in amendment thereof are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 17, 1895.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY, TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. Chap. 289

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit : — Appropriations.

The appropriation for the payment of postage and expressage on documents sent to members of the general court, as authorized by chapter one of the acts of the present year, is hereby made applicable for the payment of postage and expressage on documents authorized by chapter ninety-three of the acts of the present year. Postage and expressage on documents.

For printing additional copies of the report of the attorney-general, as authorized by chapter ninety-six of the acts of the present year, a sum not exceeding one hundred and eighty dollars. Report of attorney-general.

For clerical and messenger service for the state board of education, as authorized by chapter one hundred and thirty-two of the acts of the present year, a sum not exceeding two thousand dollars. State board of education.

To provide for operating the north metropolitan system of sewerage, as authorized by chapter one hundred and thirty-eight of the acts of the present year, a sum not exceeding forty-six thousand dollars. North metropolitan system of sewerage.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars, the same to be in addition to the fifteen thousand dollars appropriated by chapter one of the acts of the present year. Committees of legislature, expenses.

For preparing an alphabetical index to the fifty volumes of miscellaneous papers added to the Massachusetts Index to Massachusetts archives.

archives during the year eighteen hundred and ninety-four, as authorized by chapter seventeen of the resolves of the present year, a sum not exceeding twelve hundred dollars.

Index to registration returns.

For indexing registration returns, as authorized by chapter eighteen of the resolves of the present year, a sum not exceeding fifteen thousand eight hundred dollars.

Report of harbor and land commissioners.

For printing copies of a portion of the report of the board of harbor and land commissioners, as authorized by chapter nineteen of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Report of world's fair managers.

For printing extra copies of the report of the Massachusetts board of world's fair managers, as authorized by chapter twenty of the resolves of the present year, a sum not exceeding eight hundred and fifty dollars.

Report of commissioners on topographical survey.

For printing extra copies of the report of the commissioners on the topographical survey of Massachusetts, as authorized by chapter twenty-one of the resolves of the present year, the sum of fourteen dollars and eighty-three cents.

Report of cattle commissioners.

For printing additional copies of the annual report of the cattle commissioners, as authorized by chapter twenty-two of the resolves of the present year, a sum not exceeding six hundred dollars.

Report on extermination of gypsy moth.

For printing the special report of the state board of agriculture on the work of the extermination of the oceria dispar or gypsy moth, as authorized by chapter twenty-three of the resolves of the present year, a sum not exceeding two hundred and sixty dollars.

Manuals to high and grammar schools.

For printing and distributing copies of the manual of the general court of the present year, among the high and grammar schools of the Commonwealth, as authorized by chapter twenty-four of the resolves of the present year, a sum not exceeding eleven hundred and fifty dollars.

Massachusetts Charitable Eye and Ear Infirmary.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter twenty-six of the resolves of the present year, the sum of twenty thousand dollars.

Minnie Bird.

For the support of Minnie Bird, an insane inmate of the Westborough insane hospital, as authorized by chapter twenty-seven of the resolves of the present year, the sum of two hundred and fifty dollars.

Investigation of subject of a general municipal administration.

For expenses in connection with the continuance of the investigation of the subject of a general municipal administration for the city of Boston and adjoining munic-

ipalities, as authorized by chapter twenty-nine of the resolves of the present year, a sum not exceeding four thousand dollars, the same to be in addition to the amount authorized by chapter four hundred and forty-six of the acts of the year eighteen hundred and ninety-four.

For compensation and expenses of the commissioners appointed to make a thorough examination as to the present condition of the Bulfinch state house on Beacon hill, as authorized by chapter thirty-one of the resolves of the present year, a sum not exceeding three thousand dollars.

Commissioners to examine into condition of Bulfinch state house.

For the town of East Bridgewater, as authorized by chapter thirty-two of the resolves of the present year, the sum of thirty-nine dollars and sixty cents.

Town of East Bridgewater.

For increasing the water supply and for certain repairs at the state industrial school for girls, as authorized by chapter thirty-four of the resolves of the present year, a sum not exceeding twelve thousand six hundred dollars.

State industrial school for girls.

To provide a new dormitory and other improvements for the state normal school at Bridgewater, as authorized by chapter thirty-six of the resolves of the present year, a sum not exceeding fifty-nine thousand dollars.

State normal school at Bridgewater.

For building a new stock barn at the Lyman school for boys, as authorized by chapter thirty-seven of the resolves of the present year, a sum not exceeding ten thousand dollars.

Lyman school for boys.

For binding six hundred copies of the report establishing the boundary line between Massachusetts and New Hampshire, as authorized by chapter thirty-nine of the resolves of the present year, a sum not exceeding seventy-five dollars.

Boundary line between Massachusetts and New Hampshire.

For Frank L. Garland, as authorized by chapter forty of the resolves of the present year, the sum of two hundred and fifty dollars.

Frank L. Garland.

For the commissioners on the topographical survey of Massachusetts for continuing their work, as authorized by chapter forty-one of the resolves of the present year, a sum not exceeding fourteen thousand one hundred dollars.

Commissioners on topographical survey.

For the publication of a course of instruction in drawing, for the use of the public schools, as authorized by chapter forty-two of the resolves of the present year, the sum of two hundred and fifty dollars.

Instruction in drawing for public schools.

For repairs, improvements and additions to the library of the Massachusetts agricultural college, as authorized by chapter forty-three of the resolves of the present year, a sum not exceeding five thousand five hundred dollars.

Massachusetts agricultural college.

Althea
Hazzard.

For Althea Hazzard, member of the Hassanamisco tribe of Indians, as authorized by chapter forty-four of the resolves of the present year, the sum of four hundred dollars, two hundred dollars of said sum being payable to the selectmen of the town of Oxford to reimburse them for money expended in the support of said Althea Hazzard.

Massachusetts
reformatory.

For a school building at the Massachusetts reformatory, as authorized by chapter forty-five of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1895.

Chap.290 AN ACT TO AUTHORIZE THE BUREAU OF STATISTICS OF LABOR TO PRINT AND DISTRIBUTE A BULLETIN.

Be it enacted, etc., as follows :

Publication of
bulletin relative
to industrial
conditions.

For the purpose of disseminating information from time to time respecting the state of employment, and other information relative to industrial conditions, the bureau of statistics of labor is authorized to distribute a bulletin, at such regular intervals as it may deem advisable, to be printed by the state printers ; and for expenses in connection therewith may expend, under the direction of the chief of said bureau, in addition to the annual appropriation authorized by law for said bureau, the sum of one thousand dollars in each year, to be paid out of the treasury of the Commonwealth.

Approved April 17, 1895.

Chap.291 AN ACT TO PROVIDE FOR AN INVESTIGATION OF THE WANTS OF THE PORT OF BOSTON FOR AN IMPROVED SYSTEM OF DOCKS AND WHARVES, AND TERMINAL FACILITIES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows :

Board of inquiry
to be appointed.

SECTION 1. The governor, by and with the consent of the council, shall appoint a board of inquiry to consist of three persons, of whom the chairman of the board of harbor and land commissioners may be one, who shall hold office for one year from the first day of April in the year eighteen hundred and ninety-five. Said board shall consider and investigate the following subjects : — First.

Subjects to be
considered and
investigated.

The policy of a public ownership and control of docks and wharves; the advantages and disadvantages of this form of control in other ports of the United States; the extent to which it has been adopted in foreign ports, and the reason why it has been considered essential to commercial development in certain seaports. Second. If the system of public ownership of docks and wharves is elsewhere of general public advantage, can such a system be established in Boston with advantage to the public interests, in view of the existing ownership of docks and wharves in that city and the conditions under which the commerce of the port is carried on? Third. If public ownership of a system of docks and wharves in Boston is advisable, in what manner can the necessary water front best be acquired and improved and used so as to practically inaugurate such a system? What will be the probable cost of such an undertaking? In what way can the needed money best be obtained? How should it be expended, and who and what authority or agency should have charge of the construction of new docks, and the maintenance of the system when in operation? Is it advisable to restore to the Commonwealth the ownership and control of all or any of the flats in Boston harbor not now owned by the city of Boston? Fourth. What changes are necessary in regard to railroad terminal facilities and connections with said docks and wharves? Does the public necessity and convenience in connection therewith require the abolition of any grade crossings of highways or railroads, and if so, how can the same be accomplished? Fifth. Has business been diverted from Boston or from any other portion of the Commonwealth by discrimination in the matter of freight or wharfage charges, or for any other reason; and if so, how can the present conditions be remedied?

Subjects to be considered and investigated.

SECTION 2. Said board may receive such compensation and incur such expenses as the governor with the advice and consent of the council may authorize, the same to be paid out of the treasury of the Commonwealth from any moneys not otherwise appropriated.

Compensation and expenses.

SECTION 3. Said board shall report to the next general court in print, stating the results of the investigation aforesaid, and if they recommend any legislative action they shall embody in their report a draft of a bill in accordance with their recommendations.

To report in print.

Report to
be filed with
secretary of the
Commonwealth.

SECTION 4. Said report shall be filed with the secretary of the Commonwealth on or before the first Wednesday of February in the year eighteen hundred and ninety-six.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1895.

Chap. 292 AN ACT TO CONFIRM THE PROCEEDINGS OF THE ONSET BAY FIRE DISTRICT.

Be it enacted, etc., as follows:

Proceedings
confirmed.

SECTION 1. The proceedings for the organization of the Onset Bay Fire District in the town of Wareham are hereby ratified, confirmed and made valid; and all acts and proceedings of said district since the date of its organization are hereby ratified, confirmed and made valid; and said Onset Bay Fire District is hereby granted all general powers, rights and privileges vested in fire districts organized under chapter thirty-five of the Public Statutes and acts in amendment thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1895.

Chap. 293 AN ACT RELATIVE TO DAMAGES FROM FIRES COMMUNICATED BY LOCOMOTIVE ENGINES.

Be it enacted, etc., as follows:

P. S. 112, § 214,
amended.

SECTION 1. Section two hundred and fourteen of chapter one hundred and twelve of the Public Statutes is hereby amended by adding at the end thereof the following words:—In case such railroad corporation is held responsible in damages it shall be entitled to the benefit of any insurance effected upon such property by the owner thereof, less the cost of premium and expense of recovery. The money received as insurance shall be deducted from the damages, if recovered before the damages are assessed; if not so recovered the policy of insurance shall be assigned to the corporation held responsible in damages, and such corporation may maintain an action thereon,—so as to read as follows:—*Section 214.* Every railroad corporation and street railway company shall be responsible in damages to a person or corporation whose buildings or other property may be injured by fire communicated by its locomotive engines, and shall have an insurable interest in the property upon its route for which

Damage by fire
communicated
by locomotive
engine, etc.

it may be so held responsible, and may procure insurance thereon in its own behalf. In case such railroad corporation is held responsible in damages it shall be entitled to the benefit of any insurance effected upon such property by the owner thereof, less the cost of premium and expense of recovery. The money received as insurance shall be deducted from the damages, if recovered before the damages are assessed; if not so recovered the policy of insurance shall be assigned to the corporation held responsible in damages, and such corporation may maintain an action thereon.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1895.

AN ACT RELATIVE TO THE MAINTENANCE AND OPERATION OF THE METROPOLITAN SEWERAGE SYSTEM. *Chap. 294*

Be it enacted, etc., as follows :

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, the treasurer and receiver general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding three hundred thousand dollars, for a term not exceeding thirty-five years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver gen-

Metropolitan
Sewerage Loan.

To be an addition to and part of loan authorized by 1889, 439, etc.

Payment of debt.

Proportions to be paid by certain cities and towns.

eral, with the approval of the governor and council, shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and thirty-nine as amended by said chapter three hundred and seven, and the sinking fund established under the provisions of said chapters shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner:—The treasurer and receiver general shall from year to year, beginning with the year eighteen hundred and ninety-five, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund, upon the several cities and towns liable thereto, one fortieth part of the whole amount shall be assessed in each of the first five years, beginning with the year eighteen hundred and ninety-five; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten; and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

SECTION 2. Each of the cities and towns hereinafter named shall, in the year eighteen hundred and ninety-five, pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for said year, as estimated by said treasurer, in the following proportions, to wit:—Arlington, two and forty-five one hundredths per cent.; Belmont, one and fifty-three one hundredths per cent.; Boston, twenty and forty-five one hundredths per cent.; Cambridge, twenty-seven and eighty-seven one hundredths per cent.; Chelsea, eight and forty-six one hundredths per cent.; Everett, three and ten one hundredths per cent.; Malden, seven and forty-seven one hundredths per cent.; Medford, four and ninety-four one hundredths per cent.; Melrose, two and sixty-five one hundredths per cent.; Somerville, twelve and eighty-three one hundredths per cent.; Stoneham, one and thirty-three one hundredths per cent.; Winchester, one and ninety-nine one hundredths per cent.; Winthrop, one

and thirty-two one hundredths per cent.; Woburn, three and sixty-one one hundredths per cent.

SECTION 3. The commissioners appointed by the supreme judicial court sitting in equity, on the application of the board of metropolitan sewerage commissioners made to said court in the year eighteen hundred and ninety-five, in accordance with the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, shall, after due notice and hearing to each of the cities and towns named in this act, in such manner as they shall deem just and equitable determine the proportion in which each of said cities and towns shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year eighteen hundred and ninety-five, to meet the interest and sinking fund requirements for each of said years as estimated by said treasurer, and to meet the cost of maintenance and operation for each of said years of the system of sewage disposal provided for said cities and towns, as estimated by the said board and certified to said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

Amounts to be paid by cities and towns for five years to be determined by commissioners.

SECTION 4. Before the expiration of the said term of five years, and every five years thereafter, the supreme judicial court sitting in equity shall, on the application of the board of metropolitan sewerage commissioners, after notice to each of the cities and towns named in said chapter four hundred and thirty-nine, appoint three commissioners who shall not be residents of any of said cities or towns, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court, and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

Commissioners, appointment, term, etc.

SECTION 5. The amount of money required each year from each city and town named in said chapter four hundred and thirty-nine to meet the interest, sinking fund

Treasurer to estimate amount required each year from each city and town, etc.

requirements and cost aforesaid for that system in which in said act it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

Enforcement of provisions, compensation of commissioners.

SECTION 6. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

SECTION 7. This act shall take effect upon its passage.

Approved April 20, 1895.

Chap.295

AN ACT RELATIVE TO EXPENDITURES BY FIRE DISTRICTS.

Be it enacted, etc., as follows:

P. S. 35, § 51, amended.

SECTION 1. Section fifty-one of chapter thirty-five of the Public Statutes is hereby amended by inserting in the sixth line, after the word "department", the words: — including hydrant and water service, — so as to read as follows: — *Section 51.* Such districts may, at meetings called for the purpose, raise money for the purchase of engines and other articles necessary for the extinguishment of fires, for the purchase of land, for the erection and repairs of necessary buildings, for the erection and maintenance of street lamps within their limits, and for other incidental expenses of the fire department, including hydrant and water service. They shall choose a prudential committee, which shall expend for the purposes prescribed by the district the money so raised.

Fire districts may raise money for certain purposes.

Prudential committee.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1895.

Chap.296

AN ACT TO AUTHORIZE CITIES AND TOWNS TO REGULATE THE WIDTH OF TIRES USED ON HIGHWAYS WITHIN THEIR LIMITS.

Be it enacted, etc., as follows:

May regulate width of tires.

SECTION 1. Any city or town may from time to time establish reasonable by-laws and ordinances, subject to

the approval of the superior court or any justice thereof, as now provided by law, to regulate the width of tires used on vehicles on the highways of and owned in such city or town.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1895.

AN ACT RELATIVE TO HIGHWAYS, SEWERS AND SIDEWALKS IN THE
CITY OF BOSTON.

Chap. 297

Be it enacted, etc., as follows:

SECTION 1. The owner of any estate in the city of Boston on which an assessment has been made for the construction of any highway, sewer or sidewalk in said city, may pay a part of such assessment, and the board of street commissioners of said city may then at their discretion, with the approval of the mayor, relieve a proportional part of said estate from further lien and liability for said assessment, and the remainder of said assessment shall continue to be a lien on the remaining part of said estate and be assessed and collected in the manner provided by law for the entire assessment, so far as applicable.

Payment of assessments on account of construction of highways, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1895.

AN ACT TO ANNEX A PART OF THE CITY OF WOBURN TO THE TOWN
OF STONEHAM.

Chap. 298

Be it enacted, etc., as follows:

SECTION 1. So much of the city of Woburn as lies between the present boundary line between said city and the town of Stoneham and the following line, that is to say: — Beginning at an angle on the present line between Stoneham and Woburn near Ervin Hatch's house and near the intersection of said line with North street in Stoneham (which street is continued under the name of Lynn street in Woburn), thence proceeding in a southerly direction in a straight line to a point on the present boundary between Woburn and Winchester, six hundred and eighty-three feet westerly from the present town line of Stoneham on said boundary line between Winchester and Woburn; with all the inhabitants and estates therein, is hereby set off from the city of Woburn and annexed to and made a part of the town of Stoneham; and said inhabitants shall hereafter be inhabitants of Stoneham, and

Part of Woburn annexed to Stoneham.

shall enjoy all the rights and privileges and be subject to all the duties and liabilities of the inhabitants of said town of Stoneham.

Payment of
taxes.

SECTION 2. The inhabitants and estates within the territory above-described, and the owners of said estates, shall be holden to pay all taxes which have been heretofore legally assessed upon them by the city of Woburn; and all taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the city of Woburn, in the same manner as if this act had not been passed. And until the next state valuation the town of Stoneham shall annually, on or before the first day of November, pay to the city of Woburn the proportion of any state or county tax which the city of Woburn may be required to pay upon the inhabitants or estates hereby set off, said proportion to be ascertained and determined by the last valuation next preceding the passage of this act; and the assessors of Woburn shall make return of said valuation and the proportion thereof in the city of Woburn and the town of Stoneham, respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Middlesex.

Apportionment
of state and
county taxes,
etc.

Aid and support
of paupers.

SECTION 3. If any person who has heretofore gained a settlement in said city by reason of residence in said territory set off as aforesaid, or by having been proprietor of any part thereof, or who may derive such settlement from any such residence or proprietorship, shall come to want and stand in need of relief, aid and support as a pauper he shall be relieved and supported by the town of Stoneham, in the same manner as he would have been by said city had he gained a legal settlement therein.

Election of
national, state
and county
officers.

SECTION 4. Until a new apportionment of representatives shall be made the inhabitants of the territory described in the first section of this act shall, for the purpose of electing state and county officers, members of the executive council, senators and representatives to the general court, electors of president and vice president of the United States, and representatives to congress, remain and continue to be a part of the city of Woburn; and the inhabitants resident therein qualified to vote shall be entitled to vote for said officers and shall be eligible to the office of representative in the city of Woburn, and shall vote at the place or places at which the inhabitants of Woburn vote. The registrars of voters of Stoneham shall

annually make a true list of all persons resident in said territory qualified to vote at every such election, and post the same in said territory according to law. They shall also deliver one such list, corrected as required by law, to the mayor and aldermen of Woburn before the time of meeting for election, to be used thereat.

SECTION 5. Within one year from the passage of this act the town of Stoneham shall pay to the city of Woburn such a proportion of the net debt of the city of Woburn, excepting the water debt, as the value of the territory annexed to Stoneham under the provisions of this act shall bear to the whole valuation of the city of Woburn, according to the last annual assessors' valuation previous to the passage of this act.

Stoneham to pay portion of net debt of Woburn within one year.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 1895.

AN ACT RELATIVE TO THE RECOUNTING OF BALLOTS.

Chap. 299

Be it enacted, etc., as follows:

SECTION 1. If, within the fourteen days next succeeding the day of a special election or of the annual state or city election in any city, ten or more qualified voters in such city shall file with the city clerk a statement in writing that they have reason to believe that the record of ballots cast upon the question of granting licenses for the sale of intoxicating liquors in such city, or upon any other question required by law to be submitted to the voters of such city, is erroneous, the clerk shall forthwith transmit such statement to the board of aldermen of such city; and the board of aldermen shall forthwith issue an order to the board of registrars of voters to examine the ballots cast and determine the question raised; and such board of registrars of voters shall thereupon and within ten days thereafter recount the ballots and make such determination; and such recount shall stand as the true result of the vote cast in such city upon said question.

Recount of ballots cast upon questions submitted to voters in cities.

SECTION 2. If, within the two days next succeeding the day on which the declaration is made of the result of the vote in a town upon the question of granting licenses for the sale of intoxicating liquors therein, or upon any other question required by law to be submitted to the voters of such town, ten or more qualified voters in such town shall file with the town clerk a written statement

In towns.

that they have reason to believe that an error was made in ascertaining or declaring the result of the count of the ballots cast upon said question, the clerk shall forthwith transmit such statement to the moderator of the meeting. The moderator shall thereupon and within three days next succeeding the day of such declaration publicly recount such ballots and declare the result of such vote. If the recount does not agree with the original count the moderator shall forthwith make and sign a certificate of the result of such recount and file the same with the town clerk. The town clerk shall record the certificate in his book of records of town meetings, directly following his record of the meeting at which such ballots were cast; and the record of the recount shall stand as the true result of the vote cast in such town upon said question.

Moderator to recount ballots, etc.

In towns voting by precincts at annual town elections, etc.

SECTION 3. In towns voting by precincts at the annual election of town officers, petitions for the recounting of ballots cast for any officer or officers, or for the recounting of ballots cast upon the question of granting licenses for the sale of intoxicating liquors, or upon any other question required by law to be submitted to the voters of the town, shall be made to the board of registrars of voters, who shall conduct the recount in conformity with the provisions and requirements of the laws relating thereto, and shall have all the powers and duties of a moderator in like cases.

Petitioners to present name of person to represent them at recount.

SECTION 4. If the recount relates to ballots cast upon the question of granting licenses for the sale of intoxicating liquors, or upon any other question required by law to be submitted to the voters of a city or town, the petitioners shall, at the time of presenting the petition for a recount, present in writing the name of a person to represent them at the recount.

Candidates and persons representing petitioners to be notified.

SECTION 5. Whenever a recount of ballots cast at an election is had under the provisions of this act the board, officers or committee charged with the duty of making such recount shall, before proceeding to recount the ballots, give notice in writing to the several candidates interested in such recount and liable to be affected thereby, or to the person representing the petitioners, of the time and place of making the same, and each such candidate or person representing the petitioners may appear and be present during such recount, either in person or by an agent appointed by him in writing.

SECTION 6. All recounts made under the provisions of this act shall be upon the questions designated in the petition or petitions for recounts, and no other count shall be made or allowed to be made or other information taken or allowed to be taken from the ballots on such recount.

Recounts to be upon questions designated in petitions.

SECTION 7. In cities the board of registrars of voters are hereby authorized and empowered to employ such clerical assistance as they may deem necessary to enable them to carry out the provisions of this act.

Clerical assistance in cities.

SECTION 8. Section two hundred and nine of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three; section two hundred and ten of said chapter four hundred and seventeen as amended by section two of chapter three hundred and eighty-five of the acts of the year eighteen hundred and ninety-four; section two hundred and eleven of said chapter four hundred and seventeen, and chapter eighty-nine of the acts of the year eighteen hundred and ninety-five, are hereby repealed.

Repeal.

SECTION 9. This act shall take effect upon its passage.

Approved April 20, 1895.

AN ACT RELATIVE TO THE TAXATION OF CORPORATIONS FORMED TO CONSTRUCT RAILROADS, OR RAILROADS AND TELEGRAPHS, IN FOREIGN COUNTRIES.

Chap. 300

Be it enacted, etc., as follows:

SECTION 1. Section forty-six of chapter thirteen of the Public Statutes is hereby amended by inserting in the fourth line, after the word "forty-three", the words: — except that the rate of taxation shall aggregate one twentieth of one per cent. per annum upon the par value of the capital stock of every such corporation, divided into two semi-annual payments as provided in said section forty-three, — so as to read as follows: — *Section 46.* Every corporation formed under the general laws of the Commonwealth to construct railroads, or railroads and telegraphs, in foreign countries, shall, for purposes of taxation, be subject to the provisions of section forty-three, except that the rate of taxation shall aggregate one twentieth of one per cent. per annum upon the par value of the capital stock of every such corporation, divided into two semi-annual payments as provided in said section forty-three; but no other provisions of this

P. S. 13, § 46, amended.

Taxation of corporations formed to construct railroads, etc., in foreign countries.

chapter relating to the assessment of taxes upon corporations or the shareholders therein shall apply thereto. Every such corporation shall annually, between the first and tenth days of May, return to the tax commissioner, under the oath of its treasurer, a complete list of its shareholders, with their places of residence, the number of shares belonging to each on the first day of May, the amount of its capital stock, and the par value and market value of the shares on said first day of May.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1895.

Chap. 301 AN ACT TO AUTHORIZE THE TRUSTEES OF THE BERKSHIRE ATHENÆUM TO TAKE LAND FOR A FREE PUBLIC LIBRARY.

Be it enacted, etc., as follows :

May take
certain land for
a public library
building.

SECTION 1. The Trustees of the Berkshire Athenæum may, within three months from the first day of May in the year eighteen hundred and ninety-five, take any land not appropriated to public uses, adjoining the land now owned by that corporation, as a place for the erection of a building to be used for its free public library, but the land so taken shall not exceed one fourth of an acre in extent. Said trustees shall, within thirty days after such taking, file in the registry of deeds for the middle district of the county of Berkshire a description of said land, stating the metes, bounds and dimensions thereof, and a statement of the purpose for which such land is taken, which description and statement shall be signed by said trustees or a majority of them; and the title to said land shall vest in the said corporation for the purposes aforesaid from the time of filing said description and statement.

Description
of land to be
recorded, etc.

Damages.

SECTION 2. All damages sustained by such taking shall be paid by said corporation within thirty days after the same are determined, and if the parties fail to agree upon such damages with the owner, the same may be assessed and determined by a jury in the manner provided by law in the case of the taking of land for laying out town ways, upon application therefor made within three years from the date of such filing, by either party. If the damages so awarded exceed the amount tendered to the owner as compensation, before the filing of the application for a jury, he shall recover his costs, otherwise the said corporation shall recover costs.

SECTION 3. The land so taken shall revert to the owner or to his assigns, unless within two years after filing such statement and description a building is erected thereon for the purposes aforesaid, and unless compensation is paid for the same as provided in this act.

Land to revert to owner unless certain conditions are complied with.

SECTION 4. This act shall take effect upon its passage.

Approved April 22, 1895.

AN ACT TO REVISE THE CHARTER OF THE CITY OF PITTSFIELD.

Chap. 302

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the city of Pittsfield shall continue to be a body politic and corporate, under the name of the City of Pittsfield, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now pertaining to and incumbent upon said city as a municipal corporation, except so far as the same may be modified by the provisions of this act.

City of Pittsfield.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one officer, to be called the mayor, one council to be called the board of aldermen, and one council to be called the common council, which councils in their joint capacity shall be denominated the city council. The general management and control of the public schools of said city shall be vested in a school committee.

Government and general management of affairs.

SECTION 3. The territory of the city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto.

Seven wards.

SECTION 4. The municipal election shall take place annually on the first Tuesday of December, and the municipal year shall begin on the first Monday of January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by order of the mayor and board of aldermen, which shall be in such form and be served and returned in such manner and at such times as the city council may by ordinance direct.

Municipal election and municipal year.

SECTION 5. At such municipal election the qualified voters shall give in their votes by ballot for mayor, aldermen, common councilmen, and school committee, in accordance with the provisions of this act and the laws

Mayor, aldermen, etc., to be elected by ballot, etc.

of the Commonwealth. Any person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected, and each person so elected shall be notified of his election in writing by the city clerk. If it shall appear that there is no choice of mayor, or if the person elected mayor shall refuse to accept the office or shall die before qualifying, or if a vacancy in said office shall occur subsequently, the board of aldermen shall cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor, and repeated until the election of a mayor is completed. If the full number of members of either branch of the city council shall fail to be elected, or a vacancy shall occur in either branch, such branch shall declare a vacancy or vacancies to exist, and thereupon the board of aldermen shall cause a new election to be held to fill the same. The person thus elected to fill a vacancy shall hold office for the remainder of the term.

Vacancies, etc.

Meetings for election of national, state, etc., officers.

SECTION 6. All meetings for the election of national, state, county and district officers shall be called by the mayor and board of aldermen, in the same manner as meetings for municipal elections are called.

Ward meetings may be held in adjacent ward.

SECTION 7. The board of aldermen may, when no convenient wardroom for holding the meeting of the citizens of any ward can be had within the territorial limits of such ward, appoint and direct, in the warrant for calling the meeting of such ward, that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

General meetings of qualified voters.

SECTION 8. General meetings of the citizens qualified to vote may from time to time be held according to the rights secured to the people by the constitution of this Commonwealth, and such meetings may, and upon request in writing of fifty qualified voters setting forth the purposes thereof shall, be duly called by the mayor and board of aldermen.

Mayor, election, powers, duties, etc.

SECTION 9. The mayor shall be elected by the qualified voters of the entire city and shall hold office for the

municipal year beginning with the first Monday in January next succeeding his election, and until his successor is elected and qualified. He shall be the chief executive officer of the city, and it shall be his duty to be active and vigilant in causing the laws, ordinances and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. He shall have the power of veto provided by general law. He may suspend any officer, and may suspend any work or payment whether on contract or otherwise for a period not exceeding seven days, but in such case he shall report his action with his reasons therefor to the city council, which shall take immediate action thereon. He may call special meetings of the city council or either branch thereof, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to the city council or either branch thereof such information and recommend such measures as the business and interests of the city may in his opinion require. He shall, when present, preside in the board of aldermen and in convention of the two boards, but shall have no vote. He shall receive a salary of one thousand dollars, and the same shall be payable at stated periods. He shall receive no other compensation for his services.

Mayor, election, powers, duties, etc.

Compensation.

SECTION 10. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, a city marshal or chief of police, and such number of other police officers and constables as the city council shall determine. The chief of police and all other police officers shall hold office during good behavior and until removed by the mayor, with the concurrence of the board of aldermen, after hearing, for cause in their opinion sufficient. The board of aldermen may require any person who may be appointed a chief of police or constable to give bonds, with such security and to such an amount as they may deem reasonable and proper, for the faithful discharge of the duties of the office, upon which bond like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council.

Police officers and constables, appointment, term, etc.

May be required to give bonds, etc.

Compensation.

President of board of aldermen to act in case of vacancy, etc., in office of mayor.

SECTION 11. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the city, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least nine days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

Aldermen and common councilmen, election, term, etc.

SECTION 12. One alderman shall be elected by and from the qualified voters of each ward, and shall hold office for one year from the first Monday of January next succeeding his election. At the municipal election to be held in the year eighteen hundred and ninety-five two common councilmen shall be elected by and from the qualified voters of each ward, who shall hold office one for one year and one for two years from the first Monday of January following; and at each municipal election thereafter, beginning with the municipal election to be held in the year eighteen hundred and ninety-six, one common councilman shall be elected by and from the qualified voters of each ward, and shall hold office for two years from the first Monday of January next succeeding his election. No person shall be eligible for election as alderman or common councilman who is not at the time of his election a resident of the ward from which he is chosen, but a subsequent removal to another ward of said city shall not disqualify any such officer from discharging the duties of his office. The aldermen and common councilmen shall be sworn to the faithful discharge of their duties, and they shall receive no compensation for their services. A majority of each board shall constitute a quorum for the transaction of business.

Certain persons not eligible, etc.

Quorum.

Oath of office of mayor, aldermen and councilmen.

SECTION 13. On the first Monday of January, at ten o'clock in the forenoon, the mayor, aldermen and common councilmen elect shall meet in joint convention, when they shall be sworn to the faithful discharge of the duties of their respective offices. The oath may be administered by the city clerk or by any justice of the peace, and a certificate of such oath having been taken shall be entered

on the journals of the board of aldermen and of the common council by their respective clerks. After the oath has been administered as aforesaid the two boards shall separate. The common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the municipal year. The clerk shall be sworn to the faithful discharge of his duties, and his compensation shall be fixed by concurrent vote of the city council. The board of aldermen shall choose a president, who shall preside at the meetings of the board of aldermen and of the two councils in joint convention in the absence of the mayor. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not have been elected, the city council shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may at any time thereafter be administered to the mayor and any member of the city council who has been previously absent or has been subsequently elected, and every oath shall be duly certified as aforesaid. Each board shall keep a record of its own proceedings and be the judge of the election of its own members.

Organization of
city council,
etc.

Each board to
be judge of
election of its
own members.

SECTION 14. The city clerk shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may require of him. He shall be the clerk of the board of aldermen and of the city council in convention, and shall keep a journal of all votes and proceedings. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances. He shall perform such other duties as are required by law or shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk the mayor, with the consent of the board of aldermen, may appoint a clerk pro tempore, who shall be duly qualified.

City clerk,
powers, duties,
etc.

Clerk pro
tempore.

SECTION 15. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Pittsfield, and in the officers of the Pittsfield Fire District, and in the selectmen of towns generally by the laws of the Commonwealth,

Executive
power to be
vested in mayor
and aldermen,
etc.

shall be vested in and exercised by the mayor and aldermen, as fully as if the same were herein specially enumerated, except as herein otherwise provided.

Appropriations,
etc.

SECTION 16. The city council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year, and such appropriations shall not be increased except by a vote of two thirds of each board voting by yeas and nays. It shall take care that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money. It shall, as often as once in each year, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of said city and a schedule of all city property and of the city debt. It shall have the care and superintendence of the city buildings and the custody, management and disposal of all city property. Any appropriation made by the city council for the erection of a city hall or for land for a location for such building shall be subject to ratification by the legal voters of the city, voting in their respective wards or precincts, at an annual municipal election. The city council shall also have the sole care, superintendence and management of the public grounds belonging to said city.

Care, etc., of
public grounds.

Appointments,
etc.

SECTION 17. In all cases in which appointments are directed to be made by the mayor and aldermen the mayor shall have the exclusive power of nomination, which nomination shall be subject however to confirmation or rejection by the board of aldermen. If a person so nominated be rejected the mayor shall make another nomination within ten days from the time of such rejection. No person shall be eligible by appointment or election by the mayor and aldermen or city council to any office of emolument the salary of which is payable out of the city treasury, who at the time of such election or appointment is a member of the city council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public, except the sittings of the mayor and aldermen when they are engaged in executive business.

City council
may establish
ordinances and

SECTION 18. The city council shall have power within said city to make and establish ordinances and by-laws

and to affix thereto penalties as herein and by general law provided without the sanction of any court or justice thereof. All fines and forfeitures for the breach of any ordinance shall be paid into the city treasury. Complaint for the breach of any ordinance may be made by the mayor or any head of a department, or by any resident of the city. All existing ordinances of said city not inconsistent with the provisions of this act are continued in force until amended or repealed.

by-laws, affix penalties, etc.

SECTION 19. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew or discontinuing of, or making specific repairs in, all streets and ways and all highways within the limits of said city, and to assess the damages sustained thereby; but all questions relating to the subjects of laying out, altering, repairing or discontinuing any street, way or highway, shall first be acted upon by the mayor and aldermen. Any person aggrieved by any proceedings of the city council under this provision shall have all the rights and privileges now allowed by law in appeals from the decision of selectmen or road commissioners of towns.

Streets, highways, etc.

SECTION 20. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention a city treasurer, a collector of taxes, and a city clerk, and by concurrent vote may elect a city physician, a city solicitor, and a city auditor, who shall be legal voters, and shall hold their offices for the term of one year from the first Monday in February then next ensuing and until others shall be elected and qualified in their stead: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above-named offices may be filled at any time in the same manner for the unexpired term. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

City treasurer, city clerk, etc., election, term, etc.

Proviso.

Compensation.

SECTION 21. The city council may establish a fire department for said city, to consist of a chief engineer and of as many assistant engineers, enginemen, hosemen, hook-and-ladder men and assistants as the city council by ordinance shall from time to time prescribe; and said council shall have authority to fix the time of their appointment and the term of their service, to define their

Fire department.

Appointment, etc., of officers and members.	<p>duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires and the conduct of persons attending fires, as they may deem expedient, and may fix such penalties for any violation of such regulations or any of them as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to remove from office any officer or member for cause sufficient in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council. The powers and duties herein conferred upon the city council in relation to the establishment and maintenance of a fire department may, if the city council shall so determine, be exercised and carried into effect wholly or in part through the agency of a board or commission which it may from time to time designate, and with such limitations of power as the city council may by ordinance direct. The members of any such board or commission shall serve without compensation.</p>
Compensation, etc.	<p>SECTION 22. The city council shall have power to establish fire limits within the city and from time to time change or enlarge the same; and by ordinance they may regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the material of which they shall be constructed, together with such other rules and regulations as shall tend to prevent damage by fire: <i>provided</i>, that such rules and regulations shall not be inconsistent with the laws of this Commonwealth.</p>
Fire limits may be established, etc.	<p>SECTION 23. The city council shall by concurrent ballot elect three persons to be assessors of taxes, one person to be chosen by ballot in the month of January in each year and to hold office for the term of three years from the first Monday of February then next ensuing and until his successor is chosen and qualified. The present assessors, unless sooner removed, shall continue to hold office for the terms for which they were severally chosen. The assessors shall annually elect one person from each ward to be an assistant assessor for the ensuing year, and may fill any vacancy occurring in the office of assistant assessor</p>
Proviso.	
Assessors of taxes, election, term, etc.	
Assistant assessors.	

for the unexpired term. The assistant assessors shall be sworn to the faithful performance of their duties. It shall be their duty to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards. The compensation of the assessors and assistant assessors shall be fixed by the city council.

Compensation.

SECTION 24. The city council shall by concurrent ballot elect three persons, legal voters of said city, to constitute a board of overseers of the poor in said city, one person to be chosen by ballot in the month of January in each year and to serve for the term of three years from the first Monday of February then next ensuing and until his successor is chosen and qualified. The present members of said board shall, unless sooner removed, continue to hold office for the terms for which they were severally chosen. Said board of overseers shall organize annually by the choice of a chairman, and they may annually elect, but not from their own number, a superintendent, who shall serve as clerk of the board and who may be removed by the board; the compensation of the superintendent shall be fixed by concurrent vote of the city council; the members of the board shall serve without compensation.

Overseers of the poor, election, term, etc.

Organization, superintendent, etc.

SECTION 25. The city council shall by concurrent ballot elect three persons, legal voters of said city, to constitute a board of health, one person to be elected in the month of January in each year and to serve for the term of three years from the first Monday of February then next ensuing and until his successor is elected. The present members of the board of health of said city shall, unless sooner removed, continue to hold office for the terms for which they were severally elected. Elections shall be so made that one member at least of said board shall be a physician. The compensation of the board shall be fixed by the city council.

Board of health, election, term, etc.

Compensation.

SECTION 26. The city council shall by concurrent ballot elect three persons, legal voters of said city, to constitute a board of commissioners of the sinking fund of the city of Pittsfield, one person to be elected in the month of January in each year and to serve for the term of three years from the first Monday of February then next ensuing and until his successor is elected. The present commissioners of the sinking fund of said city shall, unless sooner removed, continue to hold office for

Commissioners of sinking fund, election, term, etc.

Powers, duties,
etc.

the terms for which they were severally elected. Said board shall serve without compensation, and shall have all the powers and be subject to all the duties specified in the laws relating to sinking funds; and said city of Pittsfield shall continue to have all the rights and privileges and to be subject to all the duties and liabilities heretofore given to or imposed upon the town of Pittsfield in reference to its sinking fund.

Vacancies, etc.

SECTION 27. Any vacancy occurring in either of the boards established under the provisions of the four preceding sections may be filled by the city council voting by concurrent ballot at any time for the unexpired term; and any member of either of said boards may at any time be removed by the city council for such cause as may seem to it sufficient.

Board of public
works, election,
term, etc.

SECTION 28. From and after the first Monday of May in the year eighteen hundred and ninety-five the board of public works of said city shall consist of three members, and shall be constituted as follows: The chairman of the present board of sewer commissioners of said city shall constitute one of the members of said board of public works, and shall hold office as member of said board, unless sooner resigning or removed, until the first Monday of February in the year eighteen hundred and ninety-eight and until his successor is elected; the chairman of the present board of public works of said city shall constitute one of the three members of the board herein provided for, and shall hold office as member of said board, unless sooner resigning or removed, until the first Monday of February in the year eighteen hundred and ninety-seven and until his successor is elected; and the member of said present board of public works whose term of office, according to the tenor of his original election, expires on the first Monday of February in the year eighteen hundred and ninety-six shall constitute the third member of the board herein provided for, and shall hold office as member of said board, unless sooner resigning or removed, until the first Monday of February in the year eighteen hundred and ninety-six and until his successor is elected. The term of office of the remaining member of the present board of public works of said city shall, notwithstanding the tenor of his original election, terminate on the first Monday of May in the year eighteen hundred and ninety-five. The city council shall annually in the month of January, beginning with the year eighteen hundred and

ninety-six, elect by concurrent ballot one person, who shall be a legal voter of said city, to serve on the board of public works herein provided for for the term of three years from the first Monday of February next ensuing and until his successor is elected. Said board of public works shall organize annually by the choice of a chairman; they shall annually appoint a clerk, to be under their direction and control, who shall be sworn to the faithful performance of his duties and who shall keep a record of the meetings and proceedings of said board; and may appoint, but not from their own number, such superintendents and agents as the city council shall by ordinance from time to time authorize or prescribe; said board may at any time remove such clerk, superintendents and agents for such cause as may seem to said board sufficient. The compensation of such clerk, superintendents and agents may be fixed by the city council. The city council may at any time remove any member of said board of public works for such cause as it may deem sufficient, and may by concurrent ballot fill any vacancy that may occur in said board for the unexpired term. The compensation of said board shall be fixed by the city council. Said board shall have the direction, control, care and superintendence of the construction, alteration and repair of the highways, streets, sidewalks, common sewers, main drains and bridges of the city; the care, superintendence and control of street lights and of the location of such lights, unless the same shall by ordinance be entrusted to some other board or committee; the direction and control of the extensions, improvements and maintenance of the water works and their appurtenances, the supervision of the collection of water rates and the determination of the same, under such schedule of rates and regulations as the city council may from time to time by ordinance adopt; they shall have all the authority given by general law to selectmen of towns relating to shade and ornamental trees in public streets and ways, unless such authority shall by ordinance be given to some other board or committee. Said board shall in general, except as otherwise herein provided, have exclusively the powers and be subject to the duties, liabilities and penalties which are or may by law be given to or imposed upon road commissioners of towns. They shall perform such other duties not inconsistent with their office as the city council may direct.

Organization,
etc.

Compensation,
powers, duties,
etc.

To have powers,
etc., of road
commissioners.

Construction,
etc., of side-
walks.

SECTION 29. Said board of public works shall have authority to determine the width and material, including the curbstone, of all sidewalks on the public streets and ways of said city, having due reference to the established grades of said streets and ways; and to construct, reconstruct and repair such sidewalks, in accordance with such determination. Upon the completion of any sidewalk by said board, or upon the completion of the reconstruction or repair of any sidewalk, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made and deposited with the city clerk, and shall assess one half the amount of the same upon all lands especially benefited by such making, reconstruction or repair, whether such lands abut upon such sidewalks or not. They shall have the authority given by law to the selectmen or road commissioners of towns to adjudicate upon the question of damages sustained by an owner of land adjoining such sidewalk, by reason of the construction, reconstruction or repair thereof.

Damages.

Assessments to
constitute a lien
on real estate,
etc.

SECTION 30. All assessments so made by said board shall constitute a lien on the real estate assessed, for two years from the time of the assessment, and for one year after the final determination of any suit or proceeding in which the amount or validity of such assessment shall be drawn in question. Every such assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the collector of taxes in said city. Said collector shall forthwith publish said list for three successive weeks in some newspaper published in said city, and shall, on or before the day of the last publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months from the last publication of said list he shall levy the same, with incidental costs and expenses, by sale of the land, such sales to be conducted in the same manner as sales of land for non-payment of taxes; and in making such sales said collector, and said city and its officers, shall have all the powers and privileges conferred by the general laws of the Commonwealth upon collectors of taxes, and upon cities and towns and their officers, relating to sales of land for the non-payment of taxes.

SECTION 31. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be reassessed by said board of public works for the time being, to the just amount for which and upon the estate upon which such assessment ought at first to have been assessed; and the assessments thus reassessed shall be payable, and shall be collected and enforced, in the same manner as other assessments.

Assessments invalid by reason of error, etc., may be reassessed.

SECTION 32. Said board of public works shall have authority to lay, make, construct, reconstruct and maintain such drains as may be necessary for the care and disposal of surface or ground water accumulating in the streets, and to lay such drains through any street or private lands; and said city shall pay the owners of such lands such damages as they may sustain by the laying or relaying of said drains; and any person or corporation sustaining damages as aforesaid, who fails to agree with said board as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways.

May construct drains, etc.

Damages.

SECTION 33. On and after the first Monday of May in the year eighteen hundred and ninety-five the present board of commissioners of sewers of said city, provided for by chapter three hundred and fifty-seven of the acts of the year eighteen hundred and ninety, shall cease to exist, and from and after said date said board of public works shall have all the powers and be subject to all the duties which are given to and imposed upon said commissioners of sewers by the provisions of said act and by the provisions of chapter three hundred and thirty of the acts of the year eighteen hundred and ninety-three; and all the plans, records and documents of said commissioners may thereafter be kept in the office of said board of public works.

Powers and duties of commissioners of sewers to vest in board of public works, etc.

SECTION 34. The school committee shall consist of the mayor, ex officio, who shall be chairman of the board, and fourteen other persons, inhabitants of said city, of whom two shall be elected by ballot from each ward by the qualified voters in said ward. The present members of the school committee of said city shall continue to hold office for the terms for which they were severally elected, and at each municipal election hereafter held there shall

School committee, election, term, etc.

be chosen members to hold the office for the term of three years, as successors of and from the same wards as those whose term of office expires at the expiration of the then municipal year. Any vacancy occurring in said committee may be filled by ballot for the remainder of the municipal year by the joint ballot of the city council and school committee in convention; and for the unexpired term thereafter shall be filled at the first municipal election after such vacancy occurs. The members of the committee shall serve without compensation. Said committee shall annually elect one of their number as chairman, to serve in the absence of the mayor. Said committee shall annually appoint one of their number to attend the meetings of the board of aldermen and common council for the purpose hereinafter mentioned, and said committee shall annually appoint a secretary, one of their number, who shall be under their direction and control. They shall annually appoint, but not of their own number, a superintendent of schools. The committee shall fix the salaries of such secretary and superintendent and may remove them for sufficient cause.

SECTION 35. The chairman of the board of overseers of the poor, of the board of public works, and the member of the school committee appointed for that purpose shall, respectively, be entitled to seats with the board of aldermen and common council, and shall have the right to discuss all matters relating to their respective departments of city affairs, but without the right to vote; they shall be notified in the same manner as members of the two boards, of all special meetings of said boards. Every officer of the city, except the mayor, shall at the request of the board of aldermen or common council appear before them and give such information as they may require, and answer such questions as may be asked in relation to any matter, act or thing connected with his office or the discharge of the duties thereof.

SECTION 36. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior liabilities which are payable therefrom, except that after the expiration of the financial year and before the making of the regular annual

Vacancy, etc

Secretary,
superintendent
of schools, etc.Certain officers
to be entitled to
seats with board
of aldermen
and common
council, etc.Officers to give
certain informa-
tion upon re-
quest.Appropriations
and expendi-
tures.

appropriations liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one fourth of the total of the appropriation made for similar purposes in the preceding year.

SECTION 37. All general laws in force in the city of Pittsfield, and all special laws heretofore passed with reference to said city and to the town of Pittsfield and in force in said city at the time of the passage of this act shall, until altered, amended or repealed, continue in force in the city of Pittsfield, so far as the same are not inconsistent herewith.

Certain laws to continue in force.

SECTION 38. All special laws heretofore passed concerning the fire district in the town of Pittsfield and in force in said city at the time of the passage of this act shall, so far as the same are not inconsistent herewith, be and continue in force in the city of Pittsfield until altered, amended or repealed.

Certain special laws to continue in force.

SECTION 39. The property formerly belonging to the fire district in the town of Pittsfield, heretofore vested in said city, shall continue to be the property of the city of Pittsfield, and said city shall continue to assume and discharge the former powers, privileges and duties of said fire district, and shall continue liable for its existing debts and legal contracts: *provided*, that the said fire district shall, as to its creditors, continue liable to pay all its existing debts and to perform all its legal contracts.

Certain property heretofore vested in city to continue the property of city.

Proviso.

SECTION 40. The provisions of this act so far as they are the same as those of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-nine shall be construed as a continuance of the provisions of said chapter, and the provisions of said chapter not contained herein, and chapter two hundred and seventeen of the acts of the year eighteen hundred and ninety-one, and all acts and parts of acts inconsistent herewith, are hereby repealed: *provided*, that such repeal shall not revive any act heretofore repealed, nor shall such repeal affect any act done, liability incurred, or any right accruing or accrued, or any penalty or forfeiture incurred, or any suit, proceeding or prosecution pending at the time said repeal takes effect. All persons holding office in said city shall, notwithstanding the passage of this act, continue to hold office, unless sooner resigning or removed, for the terms for which they were severally elected, except as otherwise provided in this act.

Certain provisions of law repealed.

Proviso.

Certain persons to continue in office.

When to take effect.

SECTION 41. This act, except as herein otherwise provided, shall take effect on the first day of January in the year eighteen hundred and ninety-six.

Approved April 24, 1895.

Chap. 303

AN ACT TO SUPPLY THE TOWN OF WENHAM WITH WATER.

Be it enacted, etc., as follows:

Water supply for town of Wenham.

SECTION 1. The town of Wenham may supply itself and its inhabitants with water for the extinguishing of fires and for domestic and other purposes; may establish fountains and hydrants and relocate and discontinue the same; and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take certain waters, lands, etc.

SECTION 2. Said town, for the purposes aforesaid and for the purpose of obtaining a supply of water, may draw and convey directly from Pleasant pond, situated in said town, so much of the waters thereof and the waters that flow into and from the same as it may require; and it may take by purchase or otherwise, and hold any water rights connected with said pond, and any springs and streams tributary thereto, and the water rights connected with any of said sources, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect upon the land thus taken or held proper dams, reservoirs, buildings, fixtures or other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over lands, water courses, railroads, public or private ways, and along any such ways in such manner as when completed not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways, under the direction of the board of selectmen of the town in which such ways are situated, in such manner as to cause the least hindrance to public travel on such ways: *provided, however*, that there shall be reserved from said waters sufficient for the town of Hamilton to supply itself and its inhabitants with water

May erect buildings, lay down pipes, etc.

May dig up lands, etc., under direction of selectmen.

Proviso.

for the extinguishment of fires and for domestic and other purposes, whenever the legislature shall grant to said town the right to take water from said pond.

SECTION 3. Said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county and district where the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Description of lands, etc., to be recorded.

SECTION 4. Said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within a period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application or assessment shall be made for the taking of any water, water rights or for any injury thereto until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate thirty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Wenham Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue and shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act. Said town, unless

Wenham Water Loan.

Sinking fund.

it avails itself of the provisions of section six, shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

May provide
for annual
payments on
loan.

SECTION 6. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required shall without further notice be assessed by the assessors of said town in each year thereafter until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return to state
amount of sink-
ing fund, etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section and the amount raised and applied thereunder for the current year.

Payment of
expenses.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for
corruption of
water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 10. Said town shall, after the acceptance of this act, at a legal town meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. Said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said town at any legal town meeting held for the purpose.

Water commissioners, election, terms, etc.

To be trustees of sinking fund.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Wenham present and voting thereon at a legal town meeting called for the purpose within five years from its passage; but the number of meetings so called in any one year shall not exceed three. *Approved April 24, 1895.*

When to take effect.

AN ACT TO AUTHORIZE THE TOWN OF MILTON TO CONSTRUCT ONE OR MORE SYSTEMS OF SEWERAGE.

Chap.304

Be it enacted, etc., as follows:

SECTION 1. The town of Milton shall elect by ballot a board of sewer commissioners to consist of three persons, who shall hold office for one year, two years and three years respectively from the date of the meeting at which they are elected if the same is an annual meeting, and if they are elected at a special meeting they shall hold office for one, two and three years respectively from the date of the annual meeting next preceding their election, and in either case until their successors are chosen; and at each annual town meeting thereafter said town shall elect one member of said board to serve for three years or until his successor is elected. If a vacancy shall occur in said

Board of sewer commissioners, election, terms, etc.

Vacancy

Powers, duties,
liabilities, etc.

board said town may at any meeting called for the purpose elect a person to fill said vacancy. The said board shall have, execute and perform all the rights, powers, duties and privileges hereby granted or prescribed, and shall have all the powers and be subject to all the duties, liabilities and penalties which are conferred or imposed upon sewer commissioners by the provisions of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety-three, so far as the provisions thereof are not inconsistent with the provisions of this act.

May construct,
etc., systems of
sewerage, etc.

SECTION 2. The town of Milton may from time to time, by such board of sewer commissioners, lay out, construct and maintain one or more systems of main drains and of sewerage and sewage disposal for said town; and may, by such board, take by purchase or otherwise any lands, water rights, water courses, rights of way or easements in the town of Milton deemed by said board necessary for the establishment of such systems of drains, sewerage and sewage disposal and for connections therewith, and for main drains and common sewers, if any, not included in such system or systems. And said board of sewer commissioners may connect all or any of said systems of sewerage and all or any of said sewers with the sewers or sewerage system or systems of the city of Boston, of the town of Hyde Park, or of the metropolitan sewerage district, for the purpose of disposing of sewage through the same, subject to the direction and control of the officers in charge of such sewer system in the respective city, town or district, and to such terms, conditions and regulations as they respectively may prescribe, and may make contracts with said city, town or district for that purpose. Said board of sewer commissioners is also authorized to connect the sewerage system or systems of said town with those of the city of Quincy for the purpose of disposing of sewage through the same, pursuant to any contract which may be made under an act of the current year authorizing the city of Quincy to establish a system of sewerage.

May extend
sewers across
Neponset river,
etc.

SECTION 3. For the purpose of connecting said systems of sewerage or sewers of the town of Milton with either of the systems above-specified said board of sewer commissioners may extend sewers across the Neponset river at or near Adams street, and at such places on said river

above Adams street as said board may deem advisable, by conduits, pipes, tunnels or siphons over, through or under said river; and at or near Granite avenue and at such places between Granite avenue and Adams street as said board may deem advisable, by conduits, pipes, tunnels or siphons beneath the stream of said river; and said board, for the purposes aforesaid, may temporarily locate and maintain the necessary works and machinery in said river, and may lay said sewers in any street or way in the city of Boston, and may take any land, rights of way or easements in the city of Boston, so far as necessary to make such connections.

SECTION 4. Said town of Milton shall, in respect to all work and structures in tide water below high water mark, be subject to the provisions of chapter nineteen of the Public Statutes and of all acts in amendment thereof, so far as the same are applicable to the subject-matter of this act.

To be subject to provisions of P. S. 19, etc.

SECTION 5. Said town of Milton may, for the purposes of this act, by said board of sewer commissioners, divert streams and water courses, and carry its drains, sewers, pipes and conduits under any street, railroad, roadway, boulevard, highway or other way, in such a manner as not to unnecessarily obstruct the same, enter upon and dig up any private land, street or way for the purpose of laying such sewers beneath the surface thereof and of maintaining and repairing the same, and do any other thing necessary and proper for said purposes.

May divert streams, carry pipes under streets, etc.

SECTION 6. Said town when it takes any land, water rights, water courses, rights of way or easements or other real estate under the authority of this act, in any manner other than by purchase, shall, within sixty days of said taking, cause to be recorded in the registry of deeds for the county in which the same are situated a description of the same as certain as is required in a common conveyance of land, with a statement that the same are taken under the authority of this act, signed by said sewer commissioners; and upon such recording the title in fee of the lands, water rights, water courses, rights, easements and other real estate so described shall vest in said town of Milton.

Description of land, etc., to be recorded.

SECTION 7. Said town of Milton shall pay all damages sustained by any person in his property by reason of such taking, and if such person and said board of sewer com-

Damages.

missioners fail to agree as to the amount of damages sustained such damages shall be assessed and determined by a jury of the superior court, in the manner provided by law when land is taken for the laying out of highways, on petition therefor by such person or board, filed in the office of the clerk of said court for the county in which the property taken or damaged is situated, at any time within the period of two years from the taking of such land or other property.

Town may offer
a specified sum,
etc.

SECTION 8. Said town, in every case of a petition for a jury as aforesaid, may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant, and if the complainant shall not accept the sum so offered within ten days after he has received notice of the offer, and shall not finally recover a greater sum than the sum so offered, not including interest, the said town shall be entitled to recover its costs after the date of said offer, and the complainant if he recovers damages shall be allowed his costs only to the date of said offer.

Apportionment
of cost, etc.

SECTION 9. Said board of sewer commissioners shall determine what proportion of the cost of said systems of main drains and of sewerage said town of Milton shall pay, provided that it shall not pay less than one quarter nor more than two thirds of the whole cost. The remaining cost of each of said systems shall be borne by the owners of estates situated within the territory embraced by it and benefited thereby. The owners of such estates shall be assessed by said commissioners their proportional parts respectively of such portion of the total cost of the system as is not borne by the town as above-provided: such proportional parts to be based upon the estimated average cost of all the sewers composing such system. And every such owner shall, within three months after written notice of such assessment served on him or sent by mail to the last address of said owner known to said commissioners, pay the sum so assessed to the treasurer: *provided*, that said board shall, on the written request of any such owner, made within said three months, apportion such assessment into three equal parts and certify such apportionment to the assessors: and the provisions of section twenty-five of chapter fifty of the Public Statutes, so far as applicable, shall without special acceptance by said town apply to such assessment so apportioned.

Proviso.

SECTION 10. An assessment made under section nine shall constitute a lien upon the estate, which shall continue for two years after it is made and notice served as above-provided, or, in case of apportionment, until the expiration of two years from the time the last instalment is committed to the collector; and said assessment, together with interest at the rate of six per cent. per annum, may with incidental costs and expenses be levied by sale of such estate or so much thereof as shall be sufficient to discharge the assessment and intervening charges, if the assessment is not paid within three months after the service of said notice, or if apportioned, within three months after any part has become due. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes; and real estate so sold may be redeemed the same as if sold for non-payment of taxes and in the same manner.

Assessment to constitute a lien upon estate.

SECTION 11. Any person aggrieved by such assessment may, at any time within three months after service of the notice mentioned in section nine of this act, apply to the superior court of the county of Norfolk for a jury to revise the same, but before making such application he shall give fourteen days' notice in writing of his intention so to do, to the commissioners, and shall therein particularly specify his objection to the assessment; to which specification he shall be confined before the jury.

Persons aggrieved may apply for a jury.

SECTION 12. All the provisions of chapter fifty of the Public Statutes and of all acts in amendment thereof or in addition thereto relating to sewers and drains, so far as applicable and not inconsistent with this act, shall apply to the town of Milton in carrying out the provisions of this act.

P. S. 50, etc., to apply.

SECTION 13. Said town of Milton, to carry out the provisions of this act, is hereby authorized to issue from time to time bonds, notes, scrip or other certificates of indebtedness to an amount not exceeding in the aggregate one hundred thousand dollars, to be denominated on the face thereof, Milton Sewerage Loan, Act of 1895, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the date of issuing such bonds, notes, scrip or certificates respectively. Said town may sell said bonds, notes, scrip or certificates, or any part thereof, at public or private sale, provided the same shall not be sold for less than the par value thereof.

Milton Sewerage Loan, Act of 1895.

Payment of
loans.

SECTION 14. Said bonds, notes, scrip or certificates shall be so issued that a proportionate part of the principal shall become payable annually until the whole debt is extinguished. Said town shall at the time of authorizing said loans provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when such proportionate amount to be paid each year shall be so fixed by vote of the town the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by the town for sewer purposes shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Bonds, etc., to
be signed by
treasurer and
countersigned
by selectmen.

SECTION 15. Whenever the treasurer has occasion to issue bonds, notes, scrip or certificates for the purpose mentioned in section thirteen, he shall state in detail, in writing, to the selectmen, the number of bonds, interest warrants or other obligations he has occasion to issue: and thereupon the selectmen shall countersign as many of said bonds, interest warrants or other obligations as shall be necessary for the purpose indicated in said writing. No bonds or other such obligations shall be valid until signed by the treasurer of the town and countersigned by the selectmen or a majority thereof.

When to take
effect, etc.

SECTION 16. This act shall take effect upon its passage; but no expenditure shall be made and no liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of two thirds of the legal voters of said town of Milton present and voting thereon at a legal meeting called for that purpose within one year from the date of its passage. And said town may elect said board of sewer commissioners, as provided in section one, at the same meeting at which it accepts this act.

Approved April 24, 1895.

Chap. 305 AN ACT RELATIVE TO THE TAKING, BY THE METROPOLITAN PARK COMMISSION, OF REVERE BEACH, SO-CALLED, IN THE TOWN OF REVERE.

Be it enacted, etc., as follows:

May expend
\$500,000 in
addition to all
sums hitherto
authorized to
be expended.

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, for the purpose of

carrying out the provisions of said act and of any acts in amendment thereof or in addition thereto, including chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-four, may expend the further sum of five hundred thousand dollars, in addition to all sums hitherto authorized to be expended by it; and to meet any expenditure under the authority of this act the treasurer and receiver general shall issue a corresponding amount of scrip or certificates of indebtedness as an addition to the metropolitan parks loan, and establish a sinking fund to provide for the same; said scrip or certificates of indebtedness to be issued and said sinking fund to be established, assessed and collected in accordance with the provisions of sections nine, ten, eleven and twelve of said chapter four hundred and seven.

To issue scrip or certificates of indebtedness, etc.

SECTION 2. If any portion of its present location and property is taken by the metropolitan park commission under the provisions of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-four the Boston, Revere Beach and Lynn Railroad Company, authorized by section five of said act to take a new location within the town of Revere, is hereby further authorized and empowered, for the purpose of carrying out the provisions of said act and all acts in amendment thereof and in addition thereto, to take and acquire any portion of the location and property of the Boston and Maine Railroad within the town of Revere, and to construct, maintain and operate a new line of railroad thereon, in accordance with the provisions of section five of said act: *provided, however*, that said Boston, Revere Beach and Lynn Railroad Company shall not interfere with the operation of said Boston and Maine Railroad during the period of six months from the time of taking or acquiring any portion of its location and property hereunder.

Boston, Revere Beach and Lynn Railroad Company may take portion of location, etc., of Boston and Maine Railroad.

Proviso.

SECTION 3. If any portion of the location and property of the Boston and Maine Railroad is taken by the Boston, Revere Beach and Lynn Railroad Company under the provisions of this act, or under any provisions of law, said Boston and Maine Railroad is hereby authorized and empowered, in accordance with the provisions of chapter one hundred and twelve of the Public Statutes and of all general laws then in force relating to the fixing of the route of railroads, the laying out of the same and the taking of lands and payment of damages therefor, to take

Boston and Maine Railroad may take certain land, construct new line of railroad, etc.

and acquire a new location and necessary land and rights in land within said town of Revere, and not a part of the lands taken or acquired by said commission as an open space, and also to construct, maintain and operate a new line of railroad outside of the lands taken or acquired by said Boston, Revere Beach and Lynn Railroad Company, in place of the portion of the location and railroad taken or acquired as aforesaid.

Commonwealth
to compensate
railroad com-
panies for
damages, etc.

SECTION 4. The Commonwealth shall compensate said railroad companies and each of them for all damages sustained and expenses incurred by them and each of them by reason of any acts done under the authority of this chapter or of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-four; said damages and expenses to be determined by agreement between said parties and each of them, and said board, and in case of disagreement, then to be determined by a commission of three disinterested persons to be appointed by a justice of the supreme judicial court, or to be determined by a jury in the superior court for the county of Suffolk, upon petition of any interested party.

Assessment of
betterments,
etc.

SECTION 5. The metropolitan park commission shall have the same authority to determine the value of and assess upon real estate the amount of betterments accruing to said real estate by reason of any taking by said commission under any provisions of law, of land for open spaces for exercise and recreation, which is conferred upon boards of park commissioners in towns and cities by section seven of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two.

SECTION 6. This act shall take effect upon its passage.

Approved April 24, 1895.

Chap. 306 AN ACT TO INCORPORATE THE THEATRE OWNERS' MUTUAL FIRE INSURANCE COMPANY OF BOSTON.

Be it enacted, etc., as follows:

The Theatre
Owners' Mutual
Fire Insurance
Company of
Boston incor-
porated.

SECTION 1. John B. Schoeffel, Peter H. Corr, Nathan B. Goodnow, James H. Carney, James J. Grace, John W. Stetson, Francis J. McLaughlin, Royal B. Sheldon, Thomas W. Smith and Henry W. Savage, are hereby made a corporation by the name of The Theatre Owners' Mutual Fire Insurance Company of Boston, to be located in the city of Boston, for the purpose of insuring, upon the

mutual principle, against loss or damage by fire, theatres, playhouses, concert and music halls, scenery, costumes and other theatrical property.

SECTION 2. Said corporation shall, except as herein otherwise provided, be subject to the provisions of all general laws relating to mutual fire insurance companies; and shall have and may exercise all the powers, rights and privileges, and shall be subject to all the duties, liabilities and restrictions set forth in the general laws applicable to mutual fire insurance companies.

To be subject to certain provisions of law, etc.

SECTION 3. Said corporation may issue policies whenever one hundred and fifty thousand dollars of insurance, in not less than thirty separate risks upon property located in the Commonwealth, has been subscribed for and entered upon its books.

When policies may issue.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1895.

AN ACT RELATIVE TO TAXES ON COLLATERAL LEGACIES AND SUCCESSIONS.

Chap. 307

Be it enacted, etc., as follows:

SECTION 1. No bequest of a testator whose estate is subject to taxation under the provisions of chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-one shall be subject to the provisions of said chapter unless the value of such bequest exceeds the sum of five hundred dollars, nor shall bequests to towns for any public purpose be subject to a tax under the provisions of said chapter.

Certain bequests not to be subject to a tax, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1895.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND EIGHTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND NINETY-FOUR, RELATIVE TO POOR DEBTOR PROCEEDINGS BEFORE INFERIOR COURTS.

Chap. 308

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and eighty-four of the acts of the year eighteen hundred and ninety-four, relative to poor debtor proceedings before inferior courts, is hereby repealed; but such repeal shall not affect any proceedings pending under said chapter.

1894, 184, repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1895.

Chap. 309 AN ACT TO INCORPORATE THE HOOSAC ELECTRIC POWER COMPANY.*Be it enacted, etc., as follows:*

May organize
a corporation
for the purpose
of transmitting,
etc., electricity.

SECTION 1. Walter S. Kelley, Alfred DeSeve, Clinton Q. Richmond, John D. Miller, Mark W. Pray, S. Proctor Thayer, Elmer J. Bullock and their associates, may associate themselves and organize a corporation, under the provisions of chapter one hundred and six of the Public Statutes and acts in amendment thereof or in addition thereto, for the purpose of owning, generating, storing, transmitting and selling electricity for power for manufacturing and railway purposes, and for heating, and for the erection and maintenance of lines and other appliances for the transmission of electricity for the purposes aforesaid, with a capital stock not exceeding one hundred thousand dollars.

May construct
and operate
lines in certain
towns.

SECTION 2. Said corporation may, subject to all general laws referred to in section four of this act, construct and operate lines for the transmission of heat and power upon and along the highways and public roads of the towns of Monroe, Florida, North Adams, Adams, Clarksburg and Williamstown, and may erect and maintain upon said highways and public roads, such posts and other fixtures as may be necessary to sustain the wires and other fixtures of its lines.

May engage in
electric lighting
business outside
the Common-
wealth, etc.

SECTION 3. Said corporation may engage in the electric lighting business outside the limits of the Commonwealth, but nothing herein contained shall be construed to authorize said company to engage directly or indirectly in the electric lighting business within the limits of the Commonwealth, but said company may furnish electricity to existing companies engaged in the business of electric lighting for the purposes of their business.

To be subject
to certain
general laws.

SECTION 4. Said corporation shall be subject to all general laws relating to the erection, maintenance and operation of lines for the transmission of electric light, heat or power, so far as the same are applicable to said corporation.

SECTION 5. This act shall take effect upon its passage.

Approved April 25, 1895.

Chap. 310 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SPECIAL DISTRICT POLICE OFFICER.*Be it enacted, etc., as follows:*

Special district
police officer
may be ap-
pointed.

SECTION 1. The governor, on the written recommendation of the state board of lunacy and charity, may from

time to time appoint and commission a special district police officer, who shall be removable at any time by the governor, to serve without pay, for the term of three years unless sooner removed.

SECTION 2. Such special district police officer shall have and exercise throughout the Commonwealth all the powers of a district police officer in all cases arising under the provisions of chapter three hundred and eighteen of the acts of the year eighteen hundred and ninety-two, and shall, under the direction of said board, enforce the provisions of said act and of other laws for the protection of infants. Powers and duties.

SECTION 3. Chapter one hundred and fifty-eight of the acts of the year eighteen hundred and eighty-five is hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved April 25, 1895.

AN ACT RELATIVE TO FOREIGN CORPORATIONS SELLING OR NEGOTIATING BONDS, MORTGAGES, NOTES OR OTHER CHOSES IN ACTION.

Chap. 311

Be it enacted, etc., as follows:

SECTION 1. Foreign corporations engaged in the business of selling or negotiating bonds, mortgages, notes or other choses in action, shall be subject to the provisions of chapter three hundred and thirty of the acts of the year eighteen hundred and eighty-four, chapter three hundred and forty-one of the acts of the year eighteen hundred and ninety-one, and all acts in amendment thereof and in addition thereto; also to all other general laws relating to foreign corporations having a usual place of business in this Commonwealth, except as provided in the following section. Foreign corporations selling bonds, etc., to be subject to certain provisions of law.

SECTION 2. Such corporations shall make an annual return to the commissioner of corporations of their assets and liabilities, and shall make such further statements of fact to him at such times and in such form as he may require or approve. To make an annual return, etc.

SECTION 3. Chapter four hundred and twenty-seven of the acts of the year eighteen hundred and eighty-nine, chapter two hundred and seventy-five of the acts of the year eighteen hundred and ninety-one, and chapter three hundred and three of the acts of the year eighteen hundred and ninety-three, are hereby repealed, and the office to which they relate is abolished. But the repeal of said Repeal, etc.

acts shall not affect any proceedings now pending or liability incurred prior to their repeal.

To take effect
June 1, 1895.

SECTION 4. This act shall take effect on the first day of June in the year eighteen hundred and ninety-five.

Approved April 25, 1895.

Chap.312 AN ACT TO AUTHORIZE THE BERKELEY STREET CONGREGATIONAL SOCIETY TO MAKE ADDITIONS TO ITS BUILDING.

Be it enacted, etc., as follows :

May make cer-
tain additions to
building, etc.

The Berkeley Street Congregational Society is hereby authorized to make changes in and additions to its present building on the corner of Berkeley street and Warren avenue in the city of Boston, by building over and about the same, and by removing the present roof and building a fireproof ceiling over the present auditorium, without being obliged to make any alterations in the interior construction of the existing building: *provided, however*, that all the new additional work is made in accordance with existing statutes, and that the construction of the whole building as herein authorized shall be approved by the inspector of buildings of Boston.

Approved April 25, 1895.

Proviso.

Chap.313 AN ACT TO PROVIDE AN ASSISTANT CLERK FOR THE BOARD OF RAILROAD COMMISSIONERS.

Be it enacted, etc., as follows :

Railroad com-
missioners may
employ an
assistant clerk,
duties, etc.

SECTION 1. The board of railroad commissioners may employ an assistant clerk at a salary not to exceed twelve hundred dollars a year, payable from the treasury of the Commonwealth. Said clerk shall do such clerical and other office work as may be required by the board, and in case of the absence or disability of the official clerk may, when so directed by the board, perform the duties of said official clerk. The salary of the assistant clerk shall be borne and apportioned in the manner provided in section twelve of chapter one hundred and twelve of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1895.

Chap.314 AN ACT RELATIVE TO MEANS OF EGRESS FROM CERTAIN BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

1892, 419, § 81,
amended.

Section eighty-one of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the second line, the

words “more than one family”, and inserting in place thereof the words : — two or more families, or as a tenement, boarding or lodging house, or as a factory or workshop, — and by striking out in the fifth and sixth lines, the words “one or more safe means of egress in case of fire”, and inserting in place thereof the words : — sufficient means of egress in case of fire, satisfactory to said inspector, — so as to read as follows : — *Section 81.* Every building hereafter built, and every building occupied by two or more families, or as a tenement, boarding or lodging house, or as a factory or workshop, shall have, with reference to its height, condition, construction, surroundings, character of occupation, and number of occupants, sufficient means of egress in case of fire, satisfactory to said inspector.

Means of egress
in case of fire.

Approved April 25, 1895.

AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO PAY A PENSION TO GEORGE PARKER.

Chap. 315

Be it enacted, etc., as follows :

SECTION 1. The town of Watertown is hereby authorized to pay to George Parker an annual pension not exceeding five hundred dollars.

May pay
pension to
George Parker.

SECTION 2. This act shall take effect upon its acceptance by said town by a two thirds vote of the voters thereof present and voting thereon at a town meeting called for the purpose.

When to take
effect.

Approved April 25, 1895.

AN ACT TO AUTHORIZE STREET RAILWAY COMPANIES TO ACQUIRE AND HOLD REAL ESTATE TO BE USED FOR PURPOSES OF RECREATION AND FOR PLEASURE RESORTS.

Chap. 316

Be it enacted, etc., as follows :

SECTION 1. Street railway companies may acquire, hold, equip and maintain real estate to be used for purposes of recreation and for pleasure resorts. Admission to the grounds of such pleasure resorts shall be free, subject to such restrictions as may be imposed by the mayor and aldermen of cities or the selectmen of towns in which said real estate may be situated: *provided, however,* that said companies shall not sell intoxicating liquors nor allow the same to be sold on said premises.

May maintain,
etc., real estate
for pleasure
resorts, etc.

Proviso.

SECTION 2. No such real estate shall be acquired, nor after acquisition shall the same or any part thereof be sold, without the approval of the board of railroad commissioners.

To be approved
by railroad
commissioners.

May increase
capital stock,
issue bonds, etc.

SECTION 3. Street railway companies may, with the consent of the board of railroad commissioners, increase their capital stock and issue bonds to the amount deemed reasonably necessary by said board, not exceeding one hundred thousand dollars in the case of any one railway company, for the purpose of acquiring, holding, equipping and maintaining real estate for the purposes mentioned in section one of this act.

Not to apply
to Boston.

SECTION 4. This act shall not apply to the city of Boston.

SECTION 5. This act shall take effect upon its passage.

Approved April 25, 1895.

Chap.317 AN ACT TO AUTHORIZE THE MERRIMACK MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK, AND ENGAGE IN BUSINESS BEYOND THE LIMITS OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

May increase
capital stock,
etc.

SECTION 1. The Merrimack Manufacturing Company may increase its capital stock to an amount not exceeding three million five hundred thousand dollars, and may invest such portions thereof in real and personal estate, either within or without the Commonwealth, and within the United States, as may be necessary and convenient for carrying on its business; and said company may carry on the business of manufacturing cotton goods and other textile fabrics in any part of the United States.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1895.

Chap.318 AN ACT TO PROTECT THE PUBLIC FROM ANNOYANCE AND INJURY WHILE TRAVELLING ON STREET RAILWAYS.

Be it enacted, etc., as follows :

Cities and towns
to appoint
police officers
upon petition,
etc.

SECTION 1. The mayor and aldermen of a city or the selectmen of a town, upon the petition of a majority of the board of directors of a corporation operating a street railway by electric or other power from such city or town to some other city or town, shall appoint as many and such persons as are requested in said petition, as police officers, for the purposes and with the powers hereinafter set forth.

Officers to wear
badge when on
duty, etc.

SECTION 2. Every such officer shall, when on duty as such, wear in plain sight a metallic badge inscribed with the words "Street Railway Police", and he may be

uniformed and equipped in the manner authorized by the mayor and aldermen or selectmen appointing such officer.

SECTION 3. Every such officer shall ride upon the cars of said corporation on any trip on said street railway from and to said city or town when he is requested so to do by the directors, or any officer or agent of said corporation duly authorized by the directors to make such request. He shall have the power and it shall be his duty, while acting as such officer, to arrest without a warrant any person committing, in his presence, any of the offences mentioned in section thirty-seven of chapter one hundred and thirteen of the Public Statutes or in section two hundred and six of chapter one hundred and twelve of the Public Statutes, relative to street railways. He may make such arrest in any town or city upon the route of said street railway, and shall take the person arrested to the police station or other place of lawful detention in the city or town where the arrest is made, or in the adjoining city or town in which the car next stops; or he may place the person arrested in charge of a police officer or constable in either of such cities or towns, to be taken to a lawful place of detention, within twenty-four hours from the time of such arrest, Sundays excepted; the officer taking the person arrested to the place of detention shall make a complaint against him for the offence for which he was arrested, to the trial justice, police, district or municipal court having jurisdiction of like offences committed in the city or town in which such person is detained, and such justice, police, district or municipal court shall have jurisdiction of the case.

Powers and duties.

SECTION 4. No officer, agent or employee of such corporation shall be appointed a street railway police officer, and no such police officer shall be appointed until the corporation requesting the appointment shall give to the city or town in which it is made a bond with two sureties satisfactory to the board making the appointment that it will pay from time to time to such city or town, such compensation for the services of such officer as shall be fixed by such board, not exceeding twenty-five cents an hour. Any member of the regular police force in such city or town may be appointed a street railway police officer. No such corporation shall have any control over a street railway police officer, or be responsible for his conduct,

Corporation to give bond with sureties, etc.

nor shall it be entitled to collect fares from such officer while travelling in the discharge of his official duty.

Evidence of
regularity of
appointment,
etc.

SECTION 5. The official record of the appointment of a street railway police officer, or a copy thereof duly attested by the proper officer, shall be conclusive of the regularity of his appointment; and his presence on the car or premises of such corporation, wearing a badge in accordance with section two of this act, shall be *prima facie* evidence that he is lawfully on duty.

Approved April 25, 1895.

Chap.319 AN ACT TO AUTHORIZE THE NORTHFIELD SEMINARY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold addi-
tional estate.

SECTION 1. The Northfield Seminary is hereby authorized to hold real and personal estate, in the manner and for the purposes set forth in its charter, to an amount not exceeding two million dollars: *provided*, that no real estate hereafter acquired by said corporation, excepting however buildings hereafter erected upon lands now owned by it, shall be exempt from taxation.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1895.

Chap.320 AN ACT RELATIVE TO THE BUILDING, BY THE CITY OF SOMERVILLE, OF A SEWER IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

Drainage of
certain territory
in Somerville
and Cambridge.

SECTION 1. For the purpose of draining the territory situated in Somerville and in Cambridge and bounded and described as follows, namely: — Beginning at a point on the northerly location line of the Middlesex central division of the Boston and Maine Railroad, where a line parallel with and one hundred feet west of the westerly line of Holland street intersects said northerly location line; thence running northwesterly and bounded southwesterly by said northerly location line, to an intersection with a line dividing the city of Somerville from the city of Cambridge; thence northerly and bounded westerly by said dividing line, to an intersection with a line parallel with and one hundred feet northwest of the northwesterly line of Cameron avenue; thence southwesterly and bounded southeasterly by said line parallel with the northwesterly line of Cameron avenue, to an intersection with

a line parallel with and one hundred feet northeast of the northeasterly line of Massachusetts avenue; thence northwesterly and bounded southwesterly by said line parallel with the northeasterly line of Massachusetts avenue, to the southerly bank of Alewife brook; thence in a general northeasterly and northerly direction and bounded by said bank of Alewife brook, to a line dividing the city of Cambridge from the city of Somerville; thence southeasterly and bounded northeasterly by said dividing line, to an intersection with a line parallel with and one hundred feet northwest of the northwesterly line of Garrison avenue; thence northeasterly and bounded northwesterly by said line parallel with the northwesterly line of Garrison avenue, to an intersection with a line parallel with and one hundred feet southwest of the southwesterly line of Broadway; thence southeasterly and bounded northeasterly by said line parallel with the southwesterly line of Broadway, to an intersection with a line one hundred feet northwest of the northwesterly line of Clarendon avenue; thence southwesterly and bounded southeasterly by said line parallel with the northwesterly line of Clarendon avenue, to an intersection with a line parallel with and one hundred feet northeast of the northeasterly line of Western avenue; thence southeasterly and bounded northeasterly by said line parallel with the northeasterly line of Western avenue, to an intersection with the rear line of estates on the southeasterly side of Clarendon avenue; thence southwesterly and bounded southeasterly by said rear line, to an intersection with a line at right angles to the centre line of Newbury street and passing through the southwesterly end of the sewer in said street; thence southeasterly and bounded northeasterly by said line at right angles to Newbury street, to an intersection with a line parallel with and one hundred feet southeast of the southeasterly line of Newbury street; thence northeasterly and bounded northwesterly by said line parallel with the southeasterly line of Newbury street, to an intersection with a line parallel with and seventy feet southwest of the prolongation of the southwesterly line of Mead street; thence southeasterly and bounded northeasterly by said line parallel with the southwesterly line of Mead street, to an intersection with a line parallel with and one hundred feet northwest of the northwesterly line of Gorham street; thence northeasterly and bounded

Draining of
certain territory
in Somerville
and Cambridge.

Draining of
certain territory
in Somerville
and Cambridge.

City of Somer-
ville may lay
and maintain
a sewer, etc.,
through a
portion of
Cambridge, etc.

May take
private land in
Cambridge, etc.

May carry
sewer, etc.,
under streets,
etc., in Cam-
bridge.

northwesterly by said line parallel with the northwesterly line of Gorham street, to an intersection with a line parallel with and one hundred feet west of the westerly line of Holland street; thence southerly and bounded easterly by said line parallel with the westerly line of Holland street, to the point of beginning, and said area being the same as enclosed by a broad blue line as delineated on a plan, entitled — “City of Somerville, Plan of a part of Cambridge and Somerville, showing proposed system of Sewers for Tannery Brook Valley, February 7, 1895, Horace L. Eaton, City Engineer,” — said plan being deposited in the office of the city engineer of the city of Somerville, and a copy thereof being deposited in the office of the city engineer of the city of Cambridge, — the mayor and aldermen of the city of Somerville may lay, make and maintain a main drain or common sewer from Somerville to, and to discharge into, the metropolitan sewer, and through that portion of Cambridge which is within the aforescribed territory, and in such part thereof, as to them shall seem best, and through the lands of any persons and corporations within said territory, excepting the land of the city of Cambridge, and may repair the said main drain or common sewer from time to time whenever repairs thereof shall be necessary; and such main drain or common sewer shall be the property of the said city of Somerville.

SECTION 2. For the purposes named in the preceding section the city council of Somerville shall have the same right to take private land in Cambridge and within said territory as it now has to take land for sewers in Somerville, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Somerville, and all persons or corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Somerville.

SECTION 3. Said city of Somerville may, for the purposes of this act, carry the said main drain or common sewer under any street, railroad, highway or other way in the city of Cambridge, in such manner as not to unnecessarily obstruct the same, and may enter upon and dig up such street, railroad, highway or other way for the purpose of laying, maintaining and repairing said main drain

or common sewer, and may do any other things necessary or proper in executing the purposes of this act; but whenever the city of Somerville enters upon or digs up for such purposes any such road, street or way in Cambridge, it shall be subject to such reasonable regulations as may be prescribed by the mayor and aldermen of the city of Cambridge, and shall restore said road, street or way to as good order and condition as it was in before such entering upon and digging up was commenced; shall perform the work in such manner and with such care as not to render any road, street or way in which such sewer is laid unsafe or unnecessarily inconvenient to the public travel thereon, and shall reimburse to the city of Cambridge all expense which it shall reasonably incur, and at all times indemnify and save harmless the city of Cambridge against all damages which may be recovered against it by reason of any defect or want of repair in such road, street or way, caused by the construction, maintenance, repair or replacing of said sewer, or by reason of any injury to persons or property caused by any defect or want of repair in such sewer, provided that the city of Somerville has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

May carry sewer, etc., under streets, etc., in Cambridge.

City of Cambridge to be reimbursed, etc.

SECTION 4. The city of Cambridge shall have the right to use for the purpose of conducting away house drainage (but not storm water or ground water or roof water) from that portion of its territory which is within the aforescribed territory, the said main drain or common sewer built under this act within its own territorial limits, — and shall have the same right of assessing a proportional part of any expenses paid by it for or on account of the construction of said main drain or common sewer, upon any persons receiving benefit thereby for draining their cellars or lands in said Cambridge or otherwise, as it now has for constructing other main drains or common sewers in such city.

City of Cambridge may use sewer, etc., for certain purposes, etc.

SECTION 5. The mayor and aldermen of the city of Somerville shall have the same right of assessing every person who enters his particular drain into any main drain or common sewer within the said territory in said city of Somerville, or who by more remote means receives benefit thereby for draining his cellar or land in Somerville, a proportional part of the charge of making and repairing the same, and of the charge, not already assessed, of

Certain persons may be assessed a proportional part of charge of making sewers, etc.

Certain persons
may be assessed
a proportional
part of charge
of making
sewers, etc.

making and repairing other main drains and common sewers through which the same discharges, and of making and repairing said main drain or common sewer in the city of Cambridge, as said mayor and aldermen now have for constructing other main drains or common sewers in such city of Somerville, and as if said main drain or common sewer in Cambridge was situated in Somerville; and if the city council of the city of Somerville, which it is hereby authorized to do, shall adopt a system of sewerage and assessments therefor, in accordance with the provisions of section seven of chapter fifty of the Public Statutes and acts in amendment thereof or in addition thereto, for a part or the whole of said territory which is within said city of Somerville, such assessments, as provided for in said section seven and acts in amendment thereof and in addition thereto shall be made upon owners of estates within said territory by a fixed uniform rate based upon the estimated average cost of all the sewers therein; and there may be included as a part of such cost the cost or any portion thereof to the city of Somerville, of said sewer in Cambridge.

Disposing of
and conducting
away storm
water from
overflow, etc.

SECTION 6. For the purpose of disposing of and conducting away storm water from any overflow from said main drain or common sewer at any part thereof, or storm water or surface drainage from the territory situated in Somerville and in Cambridge and bounded and described as follows, namely:— Beginning at a point on the northerly location line of the Middlesex central division of the Boston and Maine Railroad where a line parallel with and one hundred feet west of the westerly line of Holland street intersects said northerly location line; thence running northwesterly and bounded southwesterly by said northerly location line, to an intersection with a line dividing the city of Somerville from the city of Cambridge; thence northerly and bounded westerly by said dividing line, to an intersection with a line parallel with and one hundred feet northwest of the northwesterly line of Cameron avenue; thence southwesterly and bounded southeasterly by said line parallel with the northwesterly line of Cameron avenue, to an intersection with a line parallel with and one hundred feet northeast of the northeasterly line of Massachusetts avenue; thence northwesterly and bounded southwesterly by said line parallel with the northeasterly line of Massachusetts avenue,

to the southerly bank of Alewife brook; thence in a general northeasterly and northerly direction and bounded by said bank of Alewife brook, to a line dividing the city of Cambridge from the city of Somerville; thence southeasterly and bounded northeasterly by said dividing line, to an intersection with a line parallel with and one hundred feet northwest of the northwesterly line of Garrison avenue; thence northeasterly and bounded northwesterly by said line parallel with the northwesterly line of Garrison avenue, to an intersection with a line parallel with and one hundred feet northeast of the northeasterly line of Broadway; thence southeasterly and bounded northeasterly by said line parallel with the northeasterly line of Broadway, to an intersection with a line passing across the northwesterly end of Fairmont avenue and at right angles with the centre line of said avenue, to an intersection with a line parallel with and one hundred feet northeast of the northeasterly line of said Fairmont avenue; thence southeasterly and bounded northeasterly by said line parallel with the northeasterly line of Fairmont avenue and the prolongation of said line, to an intersection with a line parallel with and four hundred feet northeast of the northeasterly line of Broadway; thence southeasterly and bounded northeasterly by said line parallel with the northeasterly line of Broadway, to an intersection with the centre line of Chandler street prolonged northeasterly; thence southwesterly and bounded southeasterly by said prolongation of said centre line of Chandler street, to an intersection with a line parallel with and one hundred feet northeast of the northeasterly line of Broadway; thence easterly by a curved line parallel with and one hundred feet north of the northerly line of Broadway, to an intersection with the prolongation of a line parallel with and one hundred feet southeast of the southeasterly line of Liberty avenue; thence southwesterly and bounded southeasterly by said line parallel with the southeasterly line of Liberty avenue, to an intersection with a line at right angles with Liberty avenue and distant one hundred feet southwest of the southwest corner of Liberty avenue and Powder House terrace; thence at right angles northwesterly and bounded southwesterly on said line one hundred feet southwest of the southwesterly corner of said avenue and said terrace, to an intersection with a line parallel with and one hundred feet southeast of the southeasterly

Disposing of
and conducting
away storm
water from
overflow, etc.

Disposing of
and conducting
away storm
water from
overflow, etc.

City of Somer-
ville may lay,
maintain, etc.,
channel or water
course through
portion of Cam-
bridge, etc.

line of Elm street; thence southwesterly and bounded southeasterly by said line parallel with the southeasterly line of Elm street, to an intersection with the prolongation of a line parallel with and one hundred feet southwest of the southwesterly line of Summit street; thence northwesterly and bounded southwesterly on said line parallel with the southwesterly line of Summit street, to an intersection with a line parallel with and one hundred feet northwest of the northwesterly line of Billingham street; thence northeasterly and bounded northwesterly on said line parallel with the northwesterly line of Billingham street, to an intersection with the centre line of said Summit street prolonged northwesterly; thence northwesterly and bounded southwesterly, to an intersection at a point in the southeasterly line of Simpson avenue one hundred feet southwest of the southwesterly line of Broadway; thence northwesterly and bounded southwesterly on said line parallel with the southwesterly line of Broadway, to an intersection with a line parallel with and one hundred feet southeast of the southeasterly line of Paulina street; thence southwesterly and bounded southeasterly on said line parallel with the southeasterly line of Paulina street, to an intersection with a line parallel with and one hundred feet southwest of the southwesterly line of Holland street; thence southeasterly and bounded northeasterly by said line parallel with the southwesterly line of Holland street, to the point of beginning, and said surface drainage area being enclosed by a brown line shown on the right upper corner of a plan referred to in section one of this act, — the mayor and aldermen of the city of Somerville may lay, make and maintain a drain, channel or water course, either in whole or in part open or covered, in and from Somerville to, and to discharge into, Aiewife brook, and through that portion of Cambridge which is within the aforescribed territory, and in such part thereof and of Somerville as to them shall seem best, and through the lands of any persons or corporations within said territory, and may repair the said drain, channel or water course from time to time whenever repairs thereof shall be necessary, and said mayor and aldermen may, for the said purpose of conducting away storm water or surface drainage from said territory or the storm water from any overflow from any sewer in said territory, widen and deepen and improve by walling up or covering the same

or otherwise, and whether in Cambridge or in Somerville, and may use the brook in said territory known as Tannery brook, and may conduct such storm water or surface drainage into such brook, and the storm water or surface drainage from said territory in Somerville or any part thereof may be conducted into and through any main drain or common sewer in Somerville, and into and through the main drain or common sewer referred to in section one of this act, and may by a storm water overflow be diverted at any point thereof from said main drain or common sewer referred to in section one of this act, or from any main drain or common sewer in Somerville, into the drain or water course referred to in this section.

SECTION 7. For the purposes named in the last preceding section the city council of Somerville may take by purchase or otherwise said brook or the use thereof, and any lands, water courses or easements within said territory, and whether in Cambridge or Somerville, and all proceedings of such taking shall be conducted in the same manner as in the case of land in Somerville taken for sewers; and all persons or corporations suffering damage in their property by reason of such taking or by reason of the proceedings aforesaid shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Somerville.

May take certain lands, water courses, etc.

SECTION 8. The provisions of section three of this act in regard to the construction of the main drain or common sewer therein referred to under any street, railroad, highway or other way in the city of Cambridge shall apply to any drain or water course constructed in the city of Cambridge under the provisions of the two last preceding sections of this act.

Section 3 to apply to drain, etc., constructed under §§ 6 and 7.

SECTION 9. The city of Cambridge shall have the right to use said drain or water course constructed in Cambridge under the provisions of the two last preceding sections of this act, for the purpose of disposing of and conducting away storm water or surface water from the aforesaid territory situated in Cambridge.

Use of drain, etc., by city of Cambridge.

SECTION 10. Nothing herein contained shall be construed to destroy or impair the prescriptive rights of either of said cities as they exist at the date of the passage of this act, except as they may be modified or extinguished by the terms and provisions herein set forth.

Certain rights not impaired.

Cities of
Cambridge
and Somerville
may make
agreements as
to location of
sewer, etc.

SECTION 11. The city of Cambridge and the city of Somerville, acting by their respective city councils, are hereby authorized to make such agreements between said cities as to them shall seem advisable, in regard to the particular location of said main drain or common sewer within the limits of Cambridge, and of said drain or water course within said limits for storm water or surface water, and of the land to be taken therefor, and in regard to the extent of use, terms and conditions (including the proportionate part to be paid by the city of Cambridge to the city of Somerville of the expenses of constructing and maintaining said main drain or common sewer, or said drain or water course for storm water or surface water, including the expenses of land taken therefor, and all other expenses appertaining to said drains, sewers or water courses), for or upon which the city of Cambridge may use such main drain or common sewer, drain or water course, or land taken therefor, or any part of the same, and also in regard to any and all other matters or things contemplated by this bill in reference to the taking and use by the city of Somerville of territory, property or rights in Cambridge for purposes of construction or maintenance of any such sewers or drains or water courses therein as are hereinbefore referred to; and until such agreements shall have been made the city of Somerville shall have no right to construct within the limits of Cambridge any such main drain or common sewer, drain or water course, or to take land therefor.

To be void
unless accepted
within one year.

SECTION 12. This act shall be void unless accepted by the city council of each of said cities within one year from the date of the passage hereof. *Approved April 25, 1895.*

Chap. 321 AN ACT TO AUTHORIZE THE MOUNT HERMON BOYS' SCHOOL TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold addi-
tional estate.

SECTION 1. The Mount Hermon Boys' School is hereby authorized to hold real and personal estate, in the manner and for the purposes set forth in its charter, to an amount not exceeding two million dollars: *provided*, that no real estate hereafter acquired by said corporation, excepting however buildings hereafter erected upon lands now owned by it, shall be exempt from taxation.

Proviso.

SECTION 2. This act shall take effect upon its passage.
Approved April 25, 1895.

AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE GENERAL SUPERINTENDENT OF PRISONS. *Chap.322*

Be it enacted, etc., as follows:

SECTION 1. The general superintendent of prisons shall hold his office during the pleasure of the governor and council. General superintendent of prisons.

SECTION 2. So much of section six of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1895.

AN ACT RELATIVE TO NOMINATIONS TO PUBLIC OFFICE.

Chap.323

Be it enacted, etc., as follows:

SECTION 1. Any political party which at the five annual state elections next preceding shall have cast for any office voted for at a state election as large a number of votes as equals the number of petitioners required to nominate for that office by nomination papers, may nominate candidates for any such office, and shall be entitled to have the names of its candidates printed on the official ballot, subject only to such restrictions as apply to a party that casts three per cent. of the vote for governor. Nominations by certain political parties.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1895.

AN ACT TO INCORPORATE THE BOSTON AND SUBURBAN EXPRESS COMPANY. *Chap.324*

Be it enacted, etc., as follows:

SECTION 1. Edward F. Coolidge, John B. Robbins, and A. Glendon Dyar, their associates and successors, are hereby made a corporation by the name and title of the Boston and Suburban Express Company, and as such shall have all the rights and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to express companies, except as hereinafter provided. Boston and Suburban Express Company incorporated.

SECTION 2. The capital stock of said corporation shall be ten thousand dollars divided into four hundred shares, Capital stock.

of twenty-five dollars each, and the same shall be paid in in full before said corporation shall commence business.

May carry on
business of
transporting
freight, etc.

SECTION 3. Said corporation is hereby authorized to carry on the business of transporting merchandise, freight, express matter, and the United States mail, and to contract with individuals, the government of the United States, or any company duly incorporated within this Commonwealth, for the purpose of carrying on said business, as aforesaid; and any such company is hereby authorized to contract with it for said purpose.

May increase
capital stock,
issue bonds,
etc.

SECTION 4. The capital stock of said corporation may be increased from time to time, upon proof satisfactory to the commissioner of corporations, that value equal to the amount of the increase applied for, has been invested in the business of the company, to a total amount of one hundred and fifty thousand dollars, and said corporation may issue bonds to an amount not exceeding in the aggregate the authorized capital stock of the corporation at the time of such issue; but all such issues of stock and bonds shall be subject to the provisions of chapter four hundred and fifty-two of the acts of the year eighteen hundred and ninety-four, relating to the issue of stock and bonds by telegraph, telephone, aqueduct and water companies.

SECTION 5. This act shall take effect upon its passage.

Approved April 25, 1895.

Chap. 325

AN ACT TO AUTHORIZE THE CITY OF CHELSEA TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR PARK, PARKWAY AND PLAYGROUND PURPOSES.

Be it enacted, etc., as follows:

Chelsea Park
Loan.

SECTION 1. The city of Chelsea, for the purpose of acquiring and improving open spaces for park, parkway and playground purposes, shall have authority to issue, in excess of the limit fixed by law, scrip or bonds to be denominated on their face, Chelsea Park Loan, to an amount not exceeding one hundred thousand dollars, bearing interest not exceeding four per cent. per annum, payable semi-annually, the principal to be payable at periods of not more than forty years from the issuing of such scrip or bonds respectively. Said city may sell the same or any part thereof from time to time or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof.

SECTION 2. Said city shall, on issuing any of the Sinking fund.
scrip or bonds mentioned in section one, establish a sinking fund and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. But in such apportionment of a sinking fund the assessment shall be at the rate of one eightieth part of the whole amount in each of the first ten years, one sixtieth part in each of the second ten years, one thirtieth part in each of the third ten years, and the remainder equally divided in the next ten years. Any premium realized on the sale of said scrip or bonds shall be paid into such sinking fund.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1895.

AN ACT TO REVISE THE CHARTER OF THE CITY OF LAWRENCE. Chap. 326
Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the city of Lawrence City of Lawrence.
shall continue to be a municipal corporation, under the name of the City of Lawrence, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein or otherwise pertaining to said city as a municipal corporation.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in an executive department which shall consist of one officer, to be called the mayor, and in a legislative department, to be called the city council. The executive department shall never exercise any legislative power and the legislative department shall never exercise any executive power. Administration of municipal affairs, etc.

SECTION 3. The territory of the city shall continue to Six wards.
be divided into six wards, but the number of wards may be increased by the city council by ordinance in any year fixed by law for a new division of wards in cities. The number of wards shall never be less than six.

SECTION 4. The municipal election shall take place Municipal election.
annually on the second Tuesday of December.

SECTION 5. The municipal year shall begin at ten Municipal year.
o'clock in the forenoon on the first Monday of January, and continue until ten o'clock in the forenoon on the first Monday of the following January.

Mayor and city council to be elected by ballot.

SECTION 6. At the municipal election the qualified voters shall, in the several wards, give in their votes by ballot for mayor and for members of the city council, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes, shall be deemed and declared to be elected.

Vacancy in office of mayor.
Form 1.

SECTION 7. [Form One.] If it shall appear that there is no choice for mayor, or if the person elected to that office shall refuse to accept it or shall die before qualifying, or if a vacancy shall occur in the office more than four months previous to the expiration of the term of service of a mayor, the city council shall forthwith cause a new election to be held.

Vacancy in city council.
Form 2.

[Form Two.] If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept the office or shall die before qualifying, or if a vacancy in the office shall occur more than four months previous to the expiration of the term of service of a mayor, the board of aldermen shall forthwith cause a new election to be held.

Vacancy in city council.
Form 1.

SECTION 8. [Form One.] If the full number of members of the city council then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in such office shall occur more than four months before the expiration of the term, the city council chosen at that election shall forthwith cause a new election to be held to fill the vacancy.

Vacancy in city council.
Form 2.

[Form Two.] If the full number of members of the city council then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in such office shall occur more than four months before the expiration of the term, the board of aldermen chosen at that election shall forthwith cause a new election to be held to fill the vacancy.

Filling of vacancies in certain cases.
Form 1.

SECTION 9. [Form One.] If such vacancy in the office of mayor or of members of the city council occurs within four months previous to the expiration of the term of office the city council may in its discretion order a new election to fill such vacancy.

Filling of vacancies in certain cases.
Form 2.

[Form Two.] If such vacancy in the office of mayor or of members of the city council occurs within four months

previous to the expiration of the term of office the board of aldermen may in its discretion order a new election to fill such vacancy.

SECTION 10. [Form One.] General meetings of the citizens qualified to vote may be held to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress from grievances, according to the rights secured to the people by the constitution of the Commonwealth. Such meetings may be warned by the city council, and shall be upon the requisition of fifty legal voters.

General meet-
ings. Form 1.

[Form Two.] General meetings of the citizens qualified to vote may be held to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress from grievances, according to the rights secured to the people by the constitution of the Commonwealth. Such meetings may be warned by the board of aldermen, and shall be upon the requisition of fifty legal voters.

General meet-
ings. Form 2.

SECTION 11. [Form One.] The city council shall be composed of three members from each ward, who shall be elected annually by the voters of the whole city. They shall hold office for the municipal year next succeeding their election.

City council.
Form 1.

[Form Two.] The city council shall be composed of two branches, one of which shall be called the board of aldermen, the other the common council. The board of aldermen shall be composed of one member from each ward, who shall be elected by and from the qualified voters of the city and shall hold office for the municipal year next ensuing. The common council shall be composed of three members, to be elected by and from the qualified voters of each ward. The councilmen so elected shall hold office for the municipal year next succeeding their election.

City council.
Form 2.

SECTION 12. [Form One.] The city council shall be judge of the election and qualification of its own members, shall determine the rules of its own proceedings, — which when established shall be binding upon it and shall have the force of law, — and may elect such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

City council
to be judge of
election of its
members, etc.
Form 1.

[Form Two.] Each branch of the city council shall be judge of the election and qualification of its own members, shall determine the rules of its own proceedings, — which

City council
to be judge of
election of its
members, etc.
Form 2.

when established shall be binding upon it and have the force of law, — and may elect such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

Special meet-
ings. Form 1.

SECTION 13. [Form One.] The mayor may at any time call a special meeting of the city council, and shall call a special meeting upon the request in writing of one third of the members. Such request shall state the subjects to be considered at the meeting. The mayor shall cause a written notice of such meeting, stating the subjects to be considered thereat, to be given in hand to each member or to be left at his usual place of residence, or at any address designated by him in a writing filed with the city clerk, twenty-four hours previous to the time appointed for the meeting, and no final action shall be taken at such special meeting on any business not stated in such notice.

Special meet-
ings. Form 2.

[Form Two.] The mayor may at any time call a special meeting of the city council or of either branch thereof, and shall call a special meeting of either branch upon the request in writing of one third of the members of that branch. Such request shall state the subjects to be considered at the meeting. The mayor shall cause a written notice of such meeting, stating the subjects to be considered thereat, to be given in hand to each member or to be left at his usual place of residence, or at any address designated by him in writing filed with the city clerk, twenty-four hours previous to the time appointed for the meeting, and no final action shall be taken at such special meeting on any business not stated in such notice.

Quorum.
Form 1.

SECTION 14. [Form One.] A majority of the members of the city council provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Quorum.
Form 2.

[Form Two.] In each branch of the city council a majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Private sittings
of city council.
Form 1.

SECTION 15. [Form One.] The city council may by special vote hold private sittings for the consideration of candidates for election and nominations by the mayor, but all other sittings shall be public, and all votes on elections and on confirmation of appointments by the mayor shall

be taken in public. At all other times the city council shall sit with open doors. It shall cause the journal of its proceedings to be read in full at the succeeding meeting and to be open to public inspection.

[Form Two.] Either branch of the city council may by special vote hold private sittings for the consideration of candidates for election, and the board of aldermen may likewise hold private sittings for the consideration of nominations by the mayor, but all other sittings shall be public, and all votes on elections and on confirmation of appointments by the mayor shall be taken in public. At all other times the city council and each branch thereof shall sit with open doors and shall cause the journal of its proceedings to be read in full at the succeeding meeting and to be open to public inspection.

Private sittings of city council. Form 2.

SECTION 16. No member of the city council shall, during the term for which he is elected, hold any other municipal office, or be employed in any department or otherwise for the city, or furnish to the city or any department thereof any goods or merchandise, or act as counsel in any matter before the city council or any committee thereof, or any department of the city; and no person shall be eligible for appointment or election to any municipal office by the mayor or city council during the time for which he was chosen a member of the city council.

Members of city council not to hold other office, etc.

SECTION 17. Neither the city council nor any committee or member thereof shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the city council.

Not to take part in employment of labor, etc.

SECTION 18. [Form One.] All votes of the city council making appropriations or loans of money shall be in itemized form, and when brought before the city council, on recommendation of the mayor, no item of the appropriation or loan in excess of the amount so recommended shall be passed except by the affirmative votes of two thirds of the members of the city council.

Appropriations, etc. Form 1.

Appropriations,
etc. Form 2.

[Form Two.] All votes of the city council making appropriations or loans of money shall be in itemized form, and when brought before the city council, on recommendation of the mayor, no item of the appropriation or loan in excess of the amount so recommended shall be passed except by the affirmative vote of two thirds of the members of each branch.

Powers and
duties of city
council.
Form 1.

SECTION 19. [Form One.] Except as herein otherwise provided the city council shall in general have and exercise the legislative powers of towns and the inhabitants thereof, and all the powers, other than executive, given to the selectmen of towns, and shall have all the powers and authority given to city councils and boards of aldermen of cities under the general laws of the Commonwealth, and shall be subject to the duties imposed upon such city councils and boards of aldermen.

Powers and
duties of city
council.
Form 2.

[Form Two.] Except as herein otherwise provided the city council shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils under the general laws of the Commonwealth, and be subject to the duties imposed on city councils; and the board of aldermen shall have and exercise all the powers, other than executive, given to selectmen of towns, and shall have all the powers and authority given to boards of aldermen of cities, and shall be subject to the duties imposed upon such boards.

City ordinances,
penalties, etc.

SECTION 20. The city council shall have power within said city to make and establish ordinances and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or of any justice thereof. All ordinances so made and established shall be forthwith published in one or more newspapers designated by the mayor, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or, if a penalty for their violation is provided, at the expiration of thirty days from the date of such approval.

Mayor, election,
term, etc.

SECTION 21. The mayor shall be elected from and by the qualified voters of the entire city. He shall hold office for the municipal year next succeeding his election and until his successor is elected and qualified; except that when elected to fill a vacancy he shall hold office for the unexpired term and until his successor is elected and qualified.

SECTION 22. [Form One.] In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the city council shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least nine days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

Who may act in case of vacancy, etc., in office of mayor. Form 1.

[Form Two.] In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least nine days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

Who may act in case of vacancy, etc., in office of mayor. Form 2.

SECTION 23. [Form One.] The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may, without the confirmation of the city council, appoint a clerk, whose compensation shall be fixed by the city council.

Official records, etc. Form 1.

[Form Two.] The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may, without the confirmation of the board of aldermen, appoint a clerk, whose compensation shall be fixed by the city council.

Official records, etc. Form 2.

SECTION 24. [Form One.] The mayor shall appoint, subject to confirmation or rejection by the city council, all the officers of the city, unless their election or appointment is herein otherwise provided for. No such appointment made by the mayor shall be acted upon by the city council until the expiration of one week from the time when it is transmitted to the board. If a person so nominated is rejected the mayor shall nominate another person within

Appointment, etc., of certain city officers. Form 1.

ten days from the time of such rejection, and shall continue to do so until the vacancy is filled, unless the rejection shall in the meantime be reconsidered by the city council. A nomination shall be so made within ten days after a vacancy shall occur, whether by the expiration of the term of office of the previous incumbent, the removal of such incumbent from office, his death, the creation of a new office, or in any other way.

Appointment,
etc., of certain
city officers.
Form 2.

[Form Two.] The mayor shall appoint, subject to confirmation or rejection by the board of aldermen, all the officers of the city, unless their election or appointment is herein otherwise provided for. No such appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week from the time when it is transmitted to the board. If a person so nominated is rejected the mayor shall nominate another person within ten days from the time of such rejection, and shall continue to do so until the vacancy is filled, unless the rejection shall in the meantime be reconsidered by the board of aldermen. A nomination shall be so made within ten days after a vacancy shall occur, whether by the expiration of the term of office of the previous incumbent, the removal of such incumbent from office, his death, the creation of a new office, or in any other way.

Mayor may
suspend city
officers.

SECTION 25. The mayor may suspend any officer of the city for a period not exceeding ten days.

Removal of
certain city
officers.

SECTION 26. Any officer appointed by the mayor may be removed by him for such cause as he shall deem sufficient and shall assign in his order of removal. The removal shall take effect upon the filing of the order therefor in the office of the city clerk, and the service of a copy of such order upon the officer removed, either personally or at his last and usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

Mayor may
suspend work,
etc.

SECTION 27. The mayor may suspend any work or payment for a period not exceeding seven days, but in such case he shall immediately lay the matter before the city council for their action.

To consult
heads of de-
partments, etc.

SECTION 28. The mayor shall as often as once in each month call together for consultation upon the affairs of the city the heads of departments, who shall at such times and whenever called upon furnish such information relative to their respective departments as he may request.

SECTION 29. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Annual statements.

SECTION 30. The mayor shall in the month of January in each year cause to be made to him by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, and he shall transmit, before the first day of February, such estimates to the city council, recommending appropriations for each department or purpose, as he shall deem necessary therefor.

Estimates of expenses.

SECTION 31. The mayor, except as otherwise provided by general law or by this act, shall have sole power to sign, seal, execute and deliver in behalf of the city, deeds and leases of lands sold or leased by the city, and other contracts and instruments in behalf of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars shall, in order to be valid, be in writing and so signed.

Certain contracts, etc., to be signed by mayor.

SECTION 32. The mayor shall be the chief executive officer of the city, and the executive powers of the city shall be vested in him and be exercised by him either personally or through the several officers and boards in their respective departments under his general supervision and control. The mayor shall communicate to the city council such information and shall recommend such measures as in his judgment the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced; and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city and the harmonious and concerted action of the different administrative and executive departments.

Mayor to be chief executive, etc.

SECTION 33. There shall be the following administrative officers, who shall perform the duties by law prescribed for them respectively, and such further duties, not inconsistent with the nature of their respective offices and with the general laws, as the city council may prescribe:—1. A city clerk. 2. A city treasurer, who shall be collector

Administrative officers.

Administrative
officers.

of taxes. 3. A city auditor. 4. A city solicitor. 5. A board of three assessors. 6. An overseer of the poor. 7. A board of health, consisting of three persons, one of whom shall be the city physician. 8. A superintendent of streets. 9. A city engineer. 10. A chief of police. 11. A city physician. 12. A chief engineer of the fire department. 13. A superintendent of the water works. The city clerk, the city treasurer and the city auditor shall be elected by the city council. All other administrative officers and boards shall be appointed by the mayor, subject to confirmation, except as hereinafter provided.

Certain depart-
ments to con-
tinue, etc.

SECTION 34. The police department, fire department, board of license commissioners, and board of park commissioners shall continue as now established by law. The public library shall continue as now established by law, except that the trustees now elected by the city council shall be appointed by the mayor, subject to confirmation as provided in section twenty-four.

Additional
boards, etc.

SECTION 35. The city council may from time to time, subject to the provisions of this act, and in accordance with the general laws, provide by ordinance for the establishment of additional boards and other offices; may determine the number and duties of the incumbents of such boards and offices, and, for such purposes, may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen.

Terms of office
of administra-
tive officers.

SECTION 36. The term of office of every administrative officer shall begin on the first day of February succeeding their appointment and shall continue for one year and until their respective successors are appointed, unless otherwise provided by law or ordinance.

Oaths, bonds,
etc. Form 1.

SECTION 37. [Form One.] All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be kept in the office of the city clerk. The city council may require any administrative officers entrusted with the receipt, care or disbursement of money, to give bonds with such security as shall be approved by the said city council, for the faithful discharge of their respective duties.

Oaths, bonds,
etc. Form 2.

[Form Two.] All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be kept in the office of the city clerk. The city council may require any administra-

tive officers entrusted with the receipt, care or disbursement of money to give bonds with such security as shall be approved by the board of aldermen, for the faithful discharge of their respective duties.

SECTION 38. All such boards and other officers shall keep a record of their official transactions upon books which shall be furnished to them by the city, shall be its property, and shall be returned by them to the city clerk at the expiration of their term of service. Such record shall be open to public inspection. Official records.

SECTION 39. Administrative boards and officers having charge of a department shall have the power, except as herein otherwise provided, to appoint and employ and to discharge and remove all subordinate officers, clerks and assistants in their respective departments, but they shall keep a record, subject to inspection, of all so appointed and employed, and of all discharged and removed, and in case of discharge or removal of the grounds therefor. Boards and officers may appoint and remove subordinates, etc.

SECTION 40. Administrative boards and officers having charge of a department shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business, and they shall at all times be accountable for the proper discharge of their duties to the mayor as chief executive officer of the city. May employ labor, make contracts, etc.

SECTION 41. [Form One.] Every administrative board, through its chairman or a member or officer designated by the board, and every officer having charge of a department, may appear before the city council, and at its request shall appear before it, and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office, and the officer who appears shall have the right to speak upon all matters under consideration relating to his department. They shall answer all such questions as may be asked by members of the council, but they may refuse to answer any such question if notice thereof has not been given at least three days before the time of the meeting, in a notice book to be provided for the purpose by the city clerk and kept in his office, unless the council shall Boards and officers to give information to city council upon request, etc. Form 1.

vote that the question is of such urgency or of such nature that it should be answered without notice.

Boards and officers to give information to city council upon request, etc. Form 2.

[Form Two.] Every administrative board, through its chairman or a member designated by the board, and every officer having charge of a department, may appear before the city council, and at the request of either branch shall appear before it, and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office, and the officer who appears shall have the right to speak upon all matters under consideration relating to his department. They shall answer such questions as may be asked by members of the council, but they may refuse to answer any such question if notice thereof has not been given at least three days before the time of the meeting, in a notice book to be provided for the purpose by the city clerk and kept in his office, unless the council shall vote that the question is of such urgency or of such nature that it should be answered without notice.

Appropriations, expenditures, etc.

SECTION 42. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly provided funds sufficient to meet such expenditure or liability, except that after the expiration of the financial year and before the making of the regular annual appropriations liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total appropriation made for similar purposes in the preceding year.

School committee.

SECTION 43. The management and control of the schools of the city shall be vested in a school committee, consisting of two members from each ward. The persons heretofore elected as members of the school committee shall continue in office according to the tenor thereof. At the expiration of the terms for which they are chosen their successors shall be elected and shall hold office for three years from the first Monday in January following.

Organization, etc.

SECTION 44. The school committee shall meet on the first Monday in January in each year and organize by the election by ballot of one of its members as chairman and by the election of a clerk. The committee shall be the judge of the election and qualification of its members and shall determine the rules for its proceedings. A majority

of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

SECTION 45. The school committee shall elect a superintendent of schools, and shall appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and fix their compensation, and may remove and discharge them at pleasure.

SECTION 46. The school committee shall have the powers and discharge the duties imposed by law upon school committees, and shall also have full power and authority to select and purchase lands for school purposes or to take the same, and determine the plans of all school buildings to be erected, and erect the same; to order all additions, alterations and repairs of school buildings; and to provide, whenever necessary, temporary accommodations for school purposes.

SECTION 47. The school committee shall in the month of January in each year submit to the mayor an estimate in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the city council, and shall recommend such appropriations as he shall deem necessary.

SECTION 48. Unless thereto required by law the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the city council, except that after the expiration of the financial year and before the making of the annual appropriations liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

SECTION 49. All orders, resolutions and votes of the school committee which involve the expenditure of money shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had as are provided by law in relation to similar orders, resolutions and votes of a city council.

SECTION 50. The removal of a member of the school committee from the ward for which he was elected to

Quorum.

Superintendent of schools, etc.

Powers and duties of school committee.

Estimate of school expenses.

Liabilities and expenditures.

Expenditures to be approved by mayor.

Removal from ward not to disqualify.

another ward in the city shall not disqualify him from discharging the duties of his office for the remainder of the term for which he was elected.

Mayor and city council, oaths on office.

SECTION 51. The mayor elect and the city council elect shall annually on the first Monday in January, at ten o'clock in the forenoon, meet and be sworn to the faithful discharge of their duties. The oath shall be administered by the city clerk or by any justice of the peace, and shall be duly certified on the journals of the city council. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the council; and at any time thereafter in like manner the oath of office may be administered to any member of the council who has been previously absent or has been subsequently elected; and every such oath shall be duly certified as aforesaid.

Organization of city council. Form 1.

SECTION 52. [Form One.] Directly after the oaths of office have been administered the city council shall meet and organize by the election by ballot of a president. The eldest senior member present shall preside. The city council shall likewise elect by ballot a city clerk, who shall hold office for the municipal year and until his successor is elected and qualified. The city clerk shall be sworn to the faithful discharge of his duties in the presence of the city council by the president, or by a justice of the peace. The city clerk shall also be the clerk of the city council, shall attend its sessions, and shall keep a record of its proceedings, and shall perform such further services as the city council may require. The president of the city council and the city clerk may each be removed from office by the affirmative votes of two thirds of all the members of the city council. In case of the temporary absence or disability of the city clerk the city council may elect a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by election by the city council.

Organization of city council. Form 2.

[Form Two.] Directly after the oaths of office have been administered each branch of the city council shall meet and organize by the election by ballot of a president. The eldest senior member present shall preside until a president has been chosen. The two branches shall by concurrent vote elect by ballot a city clerk, who shall

hold office for the municipal year and until his successor is elected and qualified. The city clerk shall also be the clerk of the board of aldermen; but in case of delay in the election of a city clerk, or in case of a vacancy in the office, the board of aldermen may elect a temporary clerk, who shall act as clerk of the board until a city clerk is chosen and qualified. The city clerk shall be sworn to the faithful discharge of his duties in the presence of the board of aldermen by the president of the board, or by a justice of the peace. The common council shall elect its own clerk, who shall be sworn to the faithful discharge of his duties in the presence of the council by the president, or by a justice of the peace. Each clerk shall attend the sessions of the branch for which he is elected, and shall keep a record of its proceedings, and shall perform such further services as such branch may require. The president of the board of aldermen may be removed from office by the affirmative votes of two thirds of all the members of said board. The city clerk may be removed by the affirmative votes of two thirds of all the members of each branch of the city council. The president and clerk of the common council may each be removed by the affirmative votes of two thirds of all the members of the common council. In case of the temporary absence or disability of the city clerk the mayor may, with the consent of the board of aldermen, appoint a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by concurrent vote of the two branches.

Organization of
city council.
Form 2.

SECTION 53. [Form One.] The city council shall elect by ballot, before the first Monday in February of the municipal year, a city treasurer, who shall be collector of taxes, and a city auditor, whose terms of office shall begin on the first Monday in February and shall continue for one year. In case of a vacancy in the office of city treasurer or city auditor the same shall be filled by election by the city council. The city treasurer and city auditor may each be removed from office by the affirmative votes of two thirds of all the members of the city council.

City treasurer
and auditor,
election, term,
etc. Form 1.

[Form Two.] The two branches shall by concurrent vote elect by ballot, before the first Monday in February of the municipal year, a city treasurer, who shall be collector of taxes, and a city auditor, whose terms of office shall begin on the first Monday in February and shall

City treasurer
and auditor,
election, term,
etc. Form 2.

continue for one year. In case of a vacancy in the office of city treasurer or city auditor the same shall be filled by election by the two branches by concurrent vote. The city treasurer and city auditor may each be removed from office by the affirmative votes of two thirds of all the members of both branches.

Repeal, etc.

SECTION 54. All acts and parts of acts inconsistent with the provisions of this act are, so far as the same relate to or affect the city of Lawrence, hereby repealed; but such repeal shall in no case revive an act heretofore repealed, nor affect the general laws relating to the license commissioners or the park commissioners, nor shall the repeal of acts or annulling of ordinances inconsistent herewith affect any act done or liability incurred, or any right accrued or established, or any suit or prosecution, civil or criminal, to enforce any right or penalty or punish any offence, under the authority of any act so repealed or of any ordinance founded thereon.

To be submitted
to voters at a
special election
in 1895.

SECTION 55. This act shall be submitted to the voters of the city of Lawrence for acceptance at a special election in the year eighteen hundred and ninety-five. The votes shall be taken by ballot in answer to the following questions, which shall be set forth upon the ballot in the following forms: — (Mark a cross in the square at the right of the answer you wish to give.) I. Shall the act of the general court of the year eighteen hundred and ninety-five revising the charter of the city of Lawrence be accepted?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

II. Shall the city council be composed of a single body instead of a board of aldermen and common council? (If in favor of a single body, answer Yes; if in favor of both a board of aldermen and a common council, answer No.) If a

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

majority of the voters present and voting at such election shall answer the first question in the affirmative, then said act shall be accepted by said city as determined by the vote upon the other question. If they shall vote in the affirmative upon the second question, then sections marked "Form One" shall be applicable and take effect, but if the vote shall be in the negative, then sections marked "Form Two" shall take effect. In case there shall be an equal number of votes upon either of said questions it shall be held that the same is answered in the negative.

Approved April 30, 1895.

AN ACT TO AUTHORIZE THE HIGHLAND STREET RAILWAY COMPANY
TO ENTER INTO CONTRACTS OF PURCHASE OR LEASE WITH THE
WORONOCO STREET RAILWAY COMPANY.

Chap. 327

Be it enacted, etc., as follows:

SECTION 1. The Highland Street Railway Company may purchase or lease the whole or part of the property and franchise of the Woronoco Street Railway Company, or the Woronoco Street Railway Company may purchase or lease the whole or part of the property and franchise of the Highland Street Railway Company, subject to the general laws relative thereto, upon such terms as may be approved by a majority in interest of the stockholders of both corporations at meetings called for the purpose.

May purchase or lease property, etc., of other street railway company, etc.

SECTION 2. The purchasing corporation or corporation taking the lease, in order to meet any expenses incurred under this act, may increase its capital stock and issue bonds not exceeding the amount of such capital stock, secured by mortgage of the whole or part of its franchise and property, subject to the general laws relative thereto.

May increase capital stock, etc.

SECTION 3. The purchasing corporation or corporation taking the lease, may use on its own railway, or on the railway purchased or leased under this act, any motive power other than steam: *provided*, that the motive power used by it in any city or town shall be approved by the selectmen or board of aldermen thereof.

Motive power.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT TO INCORPORATE THE WESTERN HAMPSHIRE STREET RAILWAY COMPANY.

Chap. 328

Be it enacted, etc., as follows:

SECTION 1. Lyman D. James, Alvan Barrus, John Olmsted, John C. Hammond, Austin E. Smith, John A. Sullivan and Neurie D. Winter, their associates and successors, are hereby made a corporation under the name of the Western Hampshire Street Railway Company; with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

Western Hampshire Street Railway Company incorporated.

SECTION 2. Said company may locate, construct, maintain and operate its railway in such manner as may

May locate, construct, etc., railway in certain towns.

be convenient and necessary, in part upon private land and upon streets, highways or state roads, in the towns of Williamsburg, Goshen, Chesterfield, Worthington, Huntington and Cummington, subject to the approval and under the control of the selectmen of the respective towns, as provided by general law; and subject also to the approval and consent of the Massachusetts highway commission as to any part of said railway located upon a state highway. No location on private land shall exceed fifty feet in width.

Location, taking
of private prop-
erty, etc.

SECTION 3. The proceedings for the fixing of the route and location of said railway for all the route outside of streets and highways, and for the taking of private property and for the determination and payment of damages therefor, shall be similar to those prescribed by general law in relation to railroads, except as hereinafter otherwise provided; but if upon petition of the directors and after notice and hearing thereon, as provided in section twenty-one of chapter one hundred and thirteen of the Public Statutes, the selectmen of any town agree with the directors as to any proposed extension of the route of said railway therein which is in part located on private land, and the selectmen shall sign and give to the directors a certificate setting forth such route; and if such certificate with the directors' acceptance thereof in writing is recorded in the registry of deeds for the county of Hampshire within thirty days after the date of said certificate, it shall be deemed the true location of the tracks of the company and a taking of the private lands therein indicated.

Capital stock.

SECTION 4. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, except that said company may increase its capital stock, subject to the provisions of the general laws relative thereto.

May issue mort-
gage bonds, etc.

SECTION 5. Said company, in order to meet expenses incurred under this act, may issue bonds not exceeding the amount of its capital stock, and payable within a period not exceeding thirty years from the date thereof, secured by mortgage of its franchise and property, subject to the general laws relative thereto; and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

SECTION 6. Said company may transact the business of a common carrier of goods and merchandise and may use its tracks for that purpose, provided that they shall not be so used in any town until the town has authorized such use by a two thirds vote of the voters thereof present and voting thereon at a meeting called for the purpose.

May transact business of a common carrier of goods, etc.

SECTION 7. Said company may lease its road to, and its road may be leased by, the Northampton Street Railway Company, subject to the general laws relative thereto, upon such terms as may be approved by a majority in interest of the stockholders of both corporations at meetings called for the purpose.

Road may be leased to Northampton Street Railway Company, etc.

SECTION 8. Said company may acquire by purchase, and hold any water power and appurtenant lands for the purpose of furnishing motive power for its own use or for the use of any connecting street railway.

May purchase water power, etc.

SECTION 9. The authority herein granted shall cease as to the location in any town where no portion of the proposed road has been built and put in operation at the end of five years from the passage of this act.

Authority to cease under certain conditions.

SECTION 10. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT TO AUTHORIZE THE HOOSAC VALLEY STREET RAILWAY COMPANY TO CONSTRUCT AND OPERATE ITS RAILWAY IN THE TOWNS OF WILLIAMSTOWN AND CLARKSBURG.

Chap. 329

Be it enacted, etc., as follows:

SECTION 1. The Hoosac Valley Street Railway Company may locate, relocate, construct, maintain and operate its railway, with single or double tracks and with suitable turn-outs and switches, in such manner as may be necessary and convenient, in part upon private land and over and upon streets or highways in North Adams, Williamstown and Clarksburg, subject to the approval and under the control of the selectmen of the respective towns, as provided by general law. No location upon private land shall exceed fifty feet in width.

May construct and operate its railway in certain towns.

SECTION 2. The proceedings for fixing and establishing the route, for the location, relocation and construction of said railway over all the route lying outside of the streets and public highways, and for the taking of private property and for the determining of damages therefor, shall be similar to those prescribed by general law in

Location, taking of private property, etc.

relation to railroads, except as herein otherwise provided; but if upon petition of the directors and after notice and hearing thereon, as provided in section twenty-one of chapter one hundred and thirteen of the Public Statutes, the selectmen of any town agree with the directors as to any proposed extension of its route therein which is in part located on private land, and the selectmen shall sign and give to the directors a certificate setting forth such route, and if such certificate with the directors' acceptance thereof in writing is filed in the northern Berkshire registry of deeds at Adams within thirty days after the date of said certificate, it shall be deemed the true location of the tracks of the company and a taking of the private lands therein indicated.

Capital stock,
etc., may be
increased.

Proviso.

SECTION 3. For the purpose of making said extension and for the proper equipment thereof said company is hereby authorized to issue such amounts of capital stock and bonds, or of either, in addition to its present capital stock and in addition to the amount of bonds authorized by chapter two hundred and sixty-four of the acts of the year eighteen hundred and ninety-three, as the board of railroad commissioners may, upon investigation, deem and vote to be reasonably requisite to pay for the cost of said extension and the equipment thereof: *provided*, such additional issue of stock and bonds shall not exceed seventy-five thousand dollars. The vote of said board determining said issue shall specify the respective amounts of stock and bonds to be issued for the respective purposes to which the proceeds thereof are to be applied; and said company shall not apply said proceeds to any other purpose, and may be enjoined from so doing by any justice of the supreme judicial or superior courts, upon application of any interested party. The capital stock herein authorized to be issued may be subscribed and paid for in cash at par, or sold at public auction, as said board may determine; and the bonds herein authorized to be issued may be either registered or with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, and for a term not exceeding twenty years from the date thereof; and to secure the payment of said bonds with the interest thereon said company may make a mortgage of its railway and franchise and any part or all of its property, and may include in said mortgage property thereafter to be acquired, said mortgage to be upon the

terms set forth in said chapter two hundred and sixty-four and to be security also for any bonds issued there under.

SECTION 4. The authority herein granted shall cease in any town where no portion of the proposed extension has been built and put into operation at the end of two years from the date of the passage of this act.

Authority to
cease under
certain condi-
tions.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT RELATIVE TO INJURIES TO THE PROPERTY OF ELECTRIC LIGHT COMPANIES AND THE UNLAWFUL DIVERSION AND USE OF ELECTRICITY.

Chap. 330

Be it enacted, etc., as follows:

Whoever unlawfully and intentionally injures or destroys, or suffers to be injured or destroyed, any meter, pipe, conduit, wire, line, post, lamp or other apparatus belonging to a company engaged in the manufacture or sale of electricity for lighting purposes, or unlawfully and intentionally prevents an electric meter from duly registering the quantity of electricity supplied, or in any way interferes with its proper action or just registration, or, without the consent of such company, unlawfully and intentionally diverts any electric current from any wire of such company, or otherwise unlawfully and intentionally uses or causes to be used, without the consent of such company, any electricity manufactured or distributed by such company, shall for every such offence be punished by fine not exceeding one hundred dollars or imprisonment not exceeding one year, or by both such fine and imprisonment.

Penalty for un-
lawful diversion
of electricity,
injury to prop-
erty, etc.

Approved April 30, 1895.

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 331

Be it enacted, etc., as follows:

SECTION 1. The town of Melrose, for the purpose of extending and improving its system of water works, may issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars in addition to the amount which it is now authorized to issue. Such bonds, notes and scrip shall bear on their face the words, Melrose Water Loan, Act of 1895; shall be payable at the expiration of a period not exceeding thirty years from the date of issue; shall bear a uniform date of issue; shall bear interest payable

Melrose Water
Loan, Act of
1895.

semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and be countersigned by the water commissioners of said town. Said town may sell such securities at public or private sale, but none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of two thirds of the legal voters of said town present at a meeting legally called for that purpose.

P. S. 29, § 9,
to apply.

SECTION 2. The provisions of section nine of chapter twenty-nine of the Public Statutes, in so far as they relate to interest and to the establishment of sinking funds for debts payable at a period exceeding ten years, shall apply to debts created under the authority of this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1895.

Chap. 332

AN ACT RELATIVE TO BOARDS OF HEALTH IN CITIES.

Be it enacted, etc., as follows :

Boards of health
in cities except
Boston, appoint-
ment, term, etc.

SECTION 1. In each city, except Boston, there shall be appointed by the mayor subject to confirmation or rejection by the board of aldermen, except where other provision is made in the city charter, a board of health, consisting of three members, who shall hold office for the term of three years from the first Monday in February next succeeding their appointment, one of whom shall be a doctor of medicine. They shall not be members of the city council. If such boards are not already in existence, appointments shall be made as herein provided of three persons, one for the term of one year, one for the term of two years and one for the term of three years ; and thereafter one member shall be appointed annually for the term of three years from the first Monday in February next succeeding such appointment. Members of existing boards shall continue to hold office until the appointment of a new board in accordance with the provisions of this act. All vacancies shall be filled by appointment for the unexpired term as above-provided. Each member so appointed shall be subject to removal by the mayor for cause, and shall receive such compensation as the city council shall from time to time determine.

Vacancies.

Repeal.

SECTION 2. Section eight of chapter eighty of the Public Statutes is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO MAKE AN ADDITIONAL WATER LOAN. *Chap. 333*

Be it enacted, etc., as follows:

SECTION 1. The town of Marblehead, for the purposes mentioned in chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-six and acts in amendment thereof, is hereby authorized to issue notes, bonds or scrip, to be denominated on the face thereof, Marblehead Water Loan, to an amount not exceeding fifteen thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said acts for the issue of the Marblehead water loan by said town.

Marblehead
Water Loan.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT TO PROVIDE FOR THE LAYING OUT AND CONSTRUCTION OF CERTAIN HIGHWAYS IN THE CITY OF BOSTON. *Chap. 334*

Be it enacted, etc., as follows:

SECTION 1. The city treasurer of the city of Boston, to pay the expenses incurred in laying out or constructing Blue Hill avenue, Columbus avenue, Commonwealth avenue and Huntington avenue, in said city, heretofore laid out by the board of street commissioners of said city under the authority of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof and in addition thereto, or under other special acts, shall from time to time issue and sell negotiable bonds of said city to an amount not exceeding two million five hundred thousand dollars.

May issue bonds
for construction
of certain high-
ways.

SECTION 2. Said bonds shall bear interest payable semi-annually on the first days of January and July of each year; shall be registered or with interest coupons attached, be sold and disposed of in such manner and at such times and prices and in such amounts and at such rates of interest, not exceeding four per cent. per annum, and for such terms, not less than thirty nor more than forty years, as said treasurer with the approval of the mayor shall determine, and shall not be reckoned in determining the limit of indebtedness of said city.

Not to be
reckoned in
determining
debt limit, etc.

Proceeds of
bonds.

Proviso.

SECTION 3. Said treasurer shall hold the proceeds of said bonds in the treasury of said city and pay therefrom the expenses aforesaid: *provided, however*, that he shall pay over to the board of sinking funds commissioners of said city any premiums received by him in the sale of said bonds, and said commissioners shall place all amounts so paid by said treasurer in a sinking fund for the payment of the bonds hereby authorized.

Costs of con-
struction, etc.

SECTION 4. The costs incurred in carrying out any order of the board of street commissioners of said city relating to the laying out or constructing of any public way aforesaid shall be determined in accordance with the acts authorizing such laying out or constructing, and said cost shall be repaid to said city in the manner prescribed in said acts, and sinking funds shall be established and maintained on issuing the bonds aforesaid, as prescribed in said chapter three hundred and twenty-three and acts in amendment thereof and in addition thereto.

Sinking funds.

SECTION 5. This act shall take effect upon its acceptance by the city council of said city.

Approved April 30, 1895.

Chap.335 AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE IN GREENFIELD
TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows:

May take
certain water,
lands, etc.

SECTION 1. Fire District Number One in the town of Greenfield, for the purpose of furnishing an additional water supply for itself and the inhabitants of the towns of Greenfield and Deerfield, for the extinguishment of fires and for domestic and other purposes, may take, by purchase or otherwise, and hold the water of Green river and the water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said towns of Greenfield and Deerfield; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of a pumping station and complete and effective water works: and may construct and lay down conduits, pipes and other works under or over any lands, water courses, or public or private ways,

May erect
buildings, lay
down pipes, etc.

and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said fire district may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May dig up ways under direction of selectmen.

SECTION 2. Said fire district shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by lease or purchase, file and cause to be recorded in the registry of deeds for the county within which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the chairman of the prudential committee of said fire district.

Description of lands, etc., to be recorded.

SECTION 3. Said fire district shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said fire district under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said fire district as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said fire district, under the authority of this act.

Damages.

SECTION 4. Said fire district may distribute the water through said towns of Greenfield and Deerfield, may establish fountains and hydrants and relocate or discontinue the same; may regulate the use of said water and fix and collect rates to be paid for the use of the same.

Distribution of water, etc.

SECTION 5. Said fire district shall exercise the rights, powers and authority given by this act, subject to the duties, liabilities and restrictions herein contained, in such

Powers and duties of fire district.

manner and by such agents and officers as said district shall from time to time determine.

Penalty for
corruption of
water, etc.

SECTION 6. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said fire district under the authority and for the purposes of this act, shall forfeit and pay to said fire district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Additional
powers.

SECTION 7. The powers specified in this act shall be held to be in addition to all powers heretofore granted to said fire district.

SECTION 8. This act shall take effect upon its passage.

Approved April 30, 1895.

Chap. 336 AN ACT TO AUTHORIZE THE EDISON ELECTRIC ILLUMINATING COMPANY OF BROCKTON TO EXTEND ITS PIPES, MAINS, CONDUITS OR WIRES INTO CERTAIN TOWNS.

Be it enacted, etc., as follows:

May extend its
pipes, etc., into
certain towns.

SECTION 1. The Edison Electric Illuminating Company of Brockton is hereby authorized to extend its pipes, mains, conduits or wires, subject to the provisions of section three of chapter one hundred and nine of the Public Statutes, into the towns of Holbrook, Randolph, Easton, Avon, East Bridgewater and West Bridgewater, and to furnish the inhabitants of said towns with electricity for light and power.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1895.

Chap. 337 AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUOR ON THE TWENTY-SECOND DAY OF FEBRUARY AND THE FOURTH DAY OF JULY.

Be it enacted, etc., as follows:

1888, 254, to ap-
ply to February
22 and July 4.

SECTION 1. The provisions of chapter two hundred and fifty-four of the acts of the year eighteen hundred and eighty-eight are hereby extended so as to apply to the twenty-second day of February and the fourth day of July.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT TO AUTHORIZE CITIES TO PROVIDE FOR THE INSPECTION
OF ICE, AND TO PREVENT THE SALE OF IMPURE ICE *Chap.338*

Be it enacted, etc., as follows:

Cities may make ordinances to secure the inspection of ice sold within their limits and to prevent the sale of impure ice, and they may establish penalties for the violation of such ordinances, not exceeding twenty dollars for each offence.

Inspection and sale of ice in cities.

Approved April 30, 1895.

AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO REFUND A
PORTION OF ITS WATER DEBT. *Chap.339*

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield, for the purpose of renewing and paying certain water notes to the amount of ninety thousand dollars issued by the town of Pittsfield on account of the fire district in said town, under the provisions of chapter forty-four of the acts of the year eighteen hundred and seventy-five, and made payable by the terms thereof on the first day of September in the year eighteen hundred and ninety-five, is hereby authorized to issue bonds, notes or scrip to an amount not exceeding ninety thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Pittsfield Water Loan, Act of 1895, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum. Said city shall provide by the terms of said bonds, notes or scrip that at least three thousand dollars shall be due and payable upon the principal thereof each year.

Pittsfield Water Loan, Act of 1895.

SECTION 2. The city council of said city may by vote determine that the principal and interest of any bonds issued under the provisions of the preceding section shall be payable in gold coin equal to present value in fineness and weight.

Payment of loan.

SECTION 3. This act shall take effect upon its acceptance by a two thirds vote of all the members of each branch of the city council of said city, taken by yeas and nays and approved by the mayor.

When to take effect.

Approved April 30, 1895.

Chap. 340 AN ACT RELATIVE TO THE CLOSING OF THE AFFAIRS OF CERTAIN FRATERNAL BENEFICIARY AND ASSESSMENT CORPORATIONS.

Be it enacted, etc., as follows:

Affairs of certain corporations may be closed, etc.

SECTION 1. Whenever any Massachusetts corporation subject to the provisions of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety shall, after an existence of one year or more, have a membership of less than five hundred, or whenever any Massachusetts corporation subject to the provisions of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-four shall, after a like existence, have a membership of less than one hundred, or upon the request of the president or secretary of any Massachusetts corporation subject to the provisions of either of said chapters, the insurance commissioner may present the facts in relation to the same to any justice of the supreme judicial or superior courts. Said justice shall thereupon notify the officers of such corporation of a hearing, and unless it then appears that some special and good reason exists why the corporation should not be closed the insurance commissioner or some suitable person shall be appointed receiver of such corporation, and shall proceed at once to take possession of its books, papers, moneys and other assets, and shall forthwith, under the direction of the court, proceed to close its affairs and to distribute its funds to those entitled thereto. For this service the receiver may be allowed out of any funds in possession of the corporation, or which may come into his hands, such sum as the court may determine to be just and reasonable. In case such corporation is not possessed of sufficient funds to pay the expenses of closing the same as allowed by the court, such expenses shall be paid by the treasurer of the Commonwealth out of the excess receipts of the insurance department over and above the cost of carrying on said department. When the affairs of the corporation shall be finally closed the court may decree a dissolution of the same.

Conditions under which certain corporations may do business.

SECTION 2. Hereafter no corporation organized under the provisions of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-four shall commence to do business or issue any certificate until it has presented satisfactory evidence to the insurance commissioner and received his certification that it has

obtained not less than five hundred bona fide applications for membership, nor until it has deposited as a part of its emergency fund with the treasurer of the Commonwealth at least one thousand dollars in securities authorized by section eight of said chapter three hundred and sixty-seven.

SECTION 3. The foregoing provisions shall not apply to any fraternal beneficiary corporation which confines its membership to the employees of towns, cities, or of the Commonwealth, or of a designated firm, business house or corporation, or to the residents of any one town or city.

Not to apply to certain corporations.

SECTION 4. This act shall take effect on the first day of July in the year eighteen hundred and ninety-five.

To take effect July 1, 1895.

Approved April 30, 1895.

AN ACT TO PROVIDE FOR THE REBUILDING OF THE EASTERLY ABUTMENT OF ROCKS BRIDGE OVER THE MERRIMAC RIVER.

Chap. 341

Be it enacted etc., as follows:

SECTION 1. The county commissioners for the county of Essex are hereby authorized and required, within six months after the passage of this act, to rebuild the easterly abutment of Rocks bridge over the Merrimac river. The cost of rebuilding said abutment shall not exceed three thousand dollars and shall be paid from the treasury of said county; and said commissioners may borrow temporarily upon the credit of said county such sums of money as may be required to carry out the provisions of this act.

Portion of Rocks bridge over Merrimac river to be rebuilt.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT TO AUTHORIZE THE TOWN OF WESTFIELD TO INCREASE ITS WATER SUPPLY AND MAKE AN ADDITIONAL WATER LOAN.

Chap. 342

Be it enacted, etc., as follows:

SECTION 1. The town of Westfield, for the purpose of providing an additional supply of water for the use of said town and its inhabitants, as authorized by chapter three hundred and twenty-two of the acts of the year eighteen hundred and seventy-three and acts in amendment thereof, may from time to time take and hold, by purchase or otherwise, and convey to any part of said town, the waters of any ponds, springs, streams, artesian or driven wells,

May take certain waters, lands, etc.

or filter galleries, within the limits of said town of Westfield, and the water rights and water sources connected therewith; also the waters of Munn's brook in Granville and the waters of any streams, springs and water sources within the watershed of said Munn's brook and its tributaries and confluents, and all water rights connected therewith; and may from time to time take and hold as aforesaid any lands, property, rights of way and easements that may be necessary or proper for holding, storing, conveying, distributing and preserving the purity of any of the waters aforesaid and for effectually carrying out the objects of this act; and may erect on any lands so taken proper dams, reservoirs, storage basins, fixtures, structures, machinery and apparatus, may make such excavations and embankments and provide such other means as may be necessary or advisable for said purposes, and may construct and lay down such conduits, canals, pipes or other works, under, through or over any lands, water courses, railroads and public or private ways in said Westfield and in such other towns as may be necessary or available for said purpose; and for all proper purposes of this act may dig up any such lands and any such public or private ways in such manner as to cause the least hindrance to public travel.

May erect
reservoirs, lay
down pipes, etc.

Description of
lands, etc., to be
recorded.

SECTION 2. Said town shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of said town.

Damages.

SECTION 3. Said town shall pay all damages sustained by any person or corporation in property by the taking of any lands, rights of way, water, water source, water rights or easements, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when lands are taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other

injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for the assessment of damages shall be made for the taking of any water or water rights or for any injury thereto until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 4. In every case of a claim for damages, as provided herein, the town may tender to the complainant or his attorney any sum that it shall think proper, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition; and if the complainant shall not accept the same, with the costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender or such payment into court, and not afterwards, unless he shall recover greater damages than were so offered; and said town shall be entitled to recover its costs afterwards unless the complainant shall recover greater damages than were so offered.

Town may tender a specified sum, etc.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, borrow money from time to time and issue therefor negotiable bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes or scrip shall be signed by the treasurer of said town and countersigned by the chairman of the board of water commissioners, and shall be denominated on the face thereof, Westfield Water Loan, Act of 1895, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear such rate of interest, not exceeding six per cent. per annum, as said town may determine. Said town may sell such securities at public or private sale, or pledge the same for not less than the par value thereof for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and said town shall raise annually by taxation the amount required to meet such interest and the proportion of the principal payable annually.

Westfield Water Loan, Act of 1895.

SECTION 6. If any person shall use any of said water taken or obtained under this act without the consent of

Penalty for corruption of water, etc.

said town, or shall wantonly or maliciously divert the water or any part thereof so taken or obtained, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said town under the authority and for the purposes of this act, he shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or imprisonment in jail not exceeding one year.

Certain rights,
etc., not
abridged.

SECTION 7. This act shall not abridge any rights heretofore granted to said town in respect to its water supply; and the powers specified in this act shall be held to be in addition to all powers heretofore granted.

Water commis-
sioners, rights
and powers.

SECTION 8. The water commissioners of said town shall have and exercise, in relation to the further water supply and rights authorized and granted by the provisions of this act, similar rights and powers to those now vested in and exercised by them relative to the existing water supply of said town.

Rights of town
of Granville not
affected.

SECTION 9. This act shall not abridge or affect any rights of the town of Granville to take and use at any time as a water supply for said town the waters of any of the branches or tributaries of Dickinson brook.

Town of West-
field to construct
system of
sewerage in
Granville.

SECTION 10. The town of Westfield shall, at its own expense, within one year from the time of taking the waters of said Dickinson brook under the provisions of this act, provide and construct in the town of Granville a system of sewerage acceptable to the state board of health, sufficient to properly remove the sewage of said town from said Dickinson brook or its branches.

SECTION 11. This act shall take effect upon its passage.

Approved April 30, 1895.

Chap. 343 AN ACT RELATIVE TO THE BOARD OF POLICE OF THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

Board of police
of the city of
Fall River,
powers and
duties.

SECTION 1. The board of police of the city of Fall River shall exclusively exercise in said city the powers and perform the duties given to and imposed upon the mayor and aldermen of cities by chapter one hundred of the Public Statutes relative to intoxicating liquors, and by chapter

one hundred and two of the Public Statutes relative to innholders and common victuallers, and by all acts in amendment thereof and in addition thereto. All licenses for the sale of intoxicating liquors or for innholders or common victuallers in said city shall be signed only by said board, and shall be recorded in the office of said board.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT TO EXTEND THE LIMITS OF THE MANSFIELD WATER SUPPLY DISTRICT AND TO AUTHORIZE SAID DISTRICT TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 344

Be it enacted, etc., as follows:

SECTION 1. The limits of the Mansfield Water Supply District, as established by section one of chapter one hundred and forty-one of the acts of the year eighteen hundred and eighty-seven, are hereby extended so as to include the territory lying within the following metes and bounds, viz.: Beginning at the southeasterly corner of said district as now established, said corner being a point in the line of the Old Colony railroad one mile southeasterly from the intersection of said railroad and North Main street in the village of Mansfield; thence southerly and in prolongation of the easterly line of the said district thirty-three hundred feet to a corner; thence in a westerly direction in a straight line to the intersection of School street with the Boston and Providence railroad; thence northerly and in a straight line to a point in the Foxborough town line five hundred feet westerly from the intersection of said town line with the westerly line of Chauncy street in said Mansfield; thence easterly by said Foxborough town line to the northwesterly corner of said water supply district, which corner is at the junction of the Rumford river with said Foxborough town line; thence southerly and easterly by the boundary lines of the said district to the starting point first mentioned. The territory lying within the above-described bounds hereby annexed to said district shall be subject to all the rights, privileges, liabilities and powers belonging to said district under the provisions of chapter three hundred and thirty-six of the acts of the year eighteen hundred and eighty-six and chapter one hundred and forty-one of the acts of the year eighteen hundred and eighty-seven.

Mansfield
Water Supply
District, limits
extended.

To be subject to
certain rights,
privileges, etc.

Mansfield
Water Loan.

SECTION 2. Said district, for the purpose of enlarging and extending its water works, may issue bonds, notes or certificates of debt, to be denominated on the face thereof, Mansfield Water Loan, to an amount not exceeding twenty-five thousand dollars in addition to the amount heretofore authorized by law to be issued by said district for water supply purposes. Said bonds, notes or certificates of debt shall be issued upon the same terms and conditions and with the same powers as are provided in chapter three hundred and thirty-six of the acts of the year eighteen hundred and eighty-six for the issue of the Mansfield water loan: *provided*, that the whole amount of such bonds, notes or certificates of debt, issued by said district for the purpose of providing and maintaining a public water supply, shall not in any event exceed the amount of one hundred thousand dollars.

Proviso.

When to take
effect.

SECTION 3. This act shall take effect upon its acceptance by a two thirds vote of the voters of said water supply district present and voting thereon at any legal district meeting duly called for the purpose after the passage of this act.

Approved April 30, 1895.

Chap. 345

AN ACT RELATIVE TO THE CONSTRUCTION OF THE NEW STATE
NORMAL SCHOOL BUILDINGS.

Be it enacted, etc., as follows:

Construction of
new state
normal school
buildings.

SECTION 1. The state board of education is hereby authorized to expend for the construction of the necessary buildings for the new state normal schools, in the cities of Fitchburg, Lowell and North Adams, and that portion of the town of Barnstable known as Hyannis, a sum not exceeding twenty-five thousand dollars for each school, the same to be in addition to the amounts authorized by section one of chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-four: *provided, however*, that out of the sum above-mentioned there shall be erected a dormitory at Hyannis, and a principal's house at North Adams.

Proviso.

Plans to be
approved by
governor and
council.

SECTION 2. No contracts shall be made for the construction of any of the new state normal school buildings authorized by chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-four until the plans therefor have received the approval of the governor and council; and such approval shall not be given until plans and estimates in detail have been submitted to

that body and they are satisfied that the cost of the construction of the buildings will not exceed the appropriation: *provided, however*, that said board of education may expend the whole of said appropriation of the year eighteen hundred and ninety-four for the construction of said buildings. Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1895.

AN ACT TO AUTHORIZE THE CITY OF MARLBOROUGH TO ISSUE BONDS, NOTES OR SCRIP FOR THE PURPOSE OF PAYING A PART OF ITS GENERAL INDEBTEDNESS.

Chap. 346

Be it enacted, etc., as follows:

SECTION 1. The city of Marlborough, for the purpose of paying certain notes given by the town of Marlborough to the Salem Savings Bank, may from time to time issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars, payable in periods not exceeding twenty years from the date of issue and bearing interest at rates not exceeding four per cent. per annum; but the provisions of chapter twenty-nine of the Public Statutes, of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, and of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five, and acts in amendment thereof or in addition thereto, shall in all other respects apply to the issue of said bonds, notes or scrip, and to the establishment of a sinking fund or annual proportionate payments for the payment thereof at maturity. May issue bonds, notes or scrip, etc.
P. S. 29, etc., to apply.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1895.

AN ACT RELATIVE TO THE CONSTRUCTION OF STATE HIGHWAYS.

Chap. 347

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts highway commission is hereby authorized to expend a sum not exceeding four hundred thousand dollars for the construction of state highways during the current year, in accordance with the provisions of chapter four hundred and seventy-six of the acts of the year eighteen hundred and ninety-three and chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four. Construction of state highways.

No persons
except citizens
to be employed.

SECTION 2. No persons except citizens of this Commonwealth shall be employed on the work authorized by this act.

State Highway
Loan.

SECTION 3. For the purpose of meeting any expenses which may be incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding four hundred thousand dollars, for a term not exceeding thirty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of April and October in each year. Such scrip or certificates of indebtedness shall be designated on their face as the State Highway Loan, shall be countersigned by the governor, and shall be deemed the pledge of the faith and credit of the Commonwealth; and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent; and said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other manner, at such times and prices, in such amounts and at such rates of interest, not exceeding the rate above-specified, as shall be deemed best. The sinking fund established by chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Sinking fund.

SECTION 4. This act shall take effect upon its passage.

Approved May 1, 1895.

Chap. 348

AN ACT RELATIVE TO PUBLIC WAREHOUSEMEN.

Be it enacted, etc., as follows:

P. S. 72, § 8,
amended.

SECTION 1. Section eight of chapter seventy-two of the Public Statutes is hereby amended by striking out in the fifth, sixth, seventh and eighth lines, the words "in-

interested in property stored in his warehouse, except that, when such warehouseman is a railroad corporation, it shall not be required to exhibit any entries on its books except to a party", so as to read as follows:—*Section 8.* Every such warehouseman shall keep books in which shall be entered an account of all his transactions relating to the warehousing, storing, and insuring of goods, wares, and merchandise, and to the issuing of receipts therefor, which books shall be open to the inspection of any person actually interested in the property to which such entries relate.

Warehouseman to keep books open to inspection, etc.

SECTION 2. Section ten of said chapter seventy-two is hereby amended by inserting in the first line, after the word "whoever", the word:—unlawfully,—by inserting in the second line, after the word "the", the word:—unlawful,—and by adding at the end thereof the words:—But no public warehouseman shall be liable to the penalties provided in this section unless with intent to injure or defraud any person he so sells, pledges, lends, or in any other way disposes of, or permits or is a party to the selling, pledging, lending, or other disposition of any goods, wares, merchandise, article, or thing so deposited,—so as to read as follows:—*Section 10.* Whoever unlawfully sells, pledges, lends, or in any other way disposes of, or permits or is a party to the unlawful selling, pledging, lending, or other disposition of any goods, wares, merchandise, article, or thing deposited in a public warehouse, without the authority of the party who deposited the same, shall be punished by fine not exceeding five thousand dollars and by imprisonment in the state prison for not more than three years. But no public warehouseman shall be liable to the penalties provided in this section unless with intent to injure or defraud any person he so sells, pledges, lends, or in any other way disposes of, or permits or is a party to the selling, pledging, lending, or other disposition of any goods, wares, merchandise, article, or thing so deposited.

P. S. 72, § 10, amended.

Penalty for the unlawful disposition of merchandise, etc.

SECTION 3. Whenever a public warehouseman has in his possession any property which is of a perishable nature, or which will deteriorate greatly in value by keeping, or upon which the charges for storage will be likely to exceed the value thereof, or which by its odor, leakage, inflammability, or explosive nature is likely to injure other goods, such property having been stored upon a

Certain property may be sold, etc.

Certain prop-
erty may be
sold, etc.

non-negotiable receipt; and when said warehouseman has notified the person in whose name the property was received to remove said property and such person has refused or omitted to receive and take away such property and to pay the storage and proper charges thereon, said public warehouseman may, in the exercise of a reasonable discretion, sell the same at public or private sale without advertising, and the proceeds, if there are any proceeds, after deducting the amount of said storage and charges and expenses of sale, shall be paid or credited to the person in whose name the property was stored; and if said person cannot be found, on reasonable inquiry, the sale may be made without any notice; and the proceeds of such sale, after deducting the amount of storage, expenses of sale and other proper charges, shall be paid to the treasurer of the Commonwealth, who shall pay the same to the person entitled thereto, if called for or claimed by the rightful owner within one year of the receipt thereof by said treasurer.

May dispose of
certain property
in any lawful
manner.

SECTION 4. Whenever a public warehouseman, under the provisions of the preceding section, has made a reasonable effort to sell perishable and worthless property and has been unable to do so because of its being of little or no value, he may then proceed to dispose of such property in any lawful manner, and he shall not be liable in any way for property so disposed of.

Person in whose
name property
was stored to be
liable for
charges, etc.

SECTION 5. Whenever a public warehouseman, under the provisions of the two preceding sections, has sold or otherwise disposed of property, and the proceeds of such sale or disposition have not equalled the amount necessary to pay the storage charges, expenses of sale and other charges against such property, then the person in whose name said property was stored shall be liable to said public warehouseman for an amount which, added to the proceeds of such sale, will be sufficient to pay all of the proper charges upon such property; or in case such property was valueless, and there were no proceeds realized from its disposition, the person in whose name said property was stored shall be liable to said public warehouseman for all proper charges against said property.

1887, 277, § 2,
amended.

SECTION 6. Section two of chapter two hundred and seventy-seven of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out in the third line, the words "storing the same", and inserting in

place thereof the words : — or persons in whose name said goods, wares and merchandise were stored, — so as to read as follows : — *Section 2.* The notice required by the last preceding section shall be served by delivering it to the person or persons in whose name said goods, wares and merchandise were stored, or by leaving it at his usual place of abode, if within the Commonwealth, at least sixty days before the time of such sale, and a return of the service shall be made by some officer authorized to serve civil process, or by some other person, with an affidavit of the truth of the return. If the party storing such goods cannot with reasonable diligence be found within the Commonwealth of Massachusetts, then such notice shall be given by publication once in each week for three successive weeks the last publication to be at least thirty days before the time of such sale, in a newspaper published in the city or town where such warehouse is located, or if there is no such paper, in one of the principal newspapers published in the county in which said city or town is located. In the event that the party storing such goods shall have parted with the same, and the purchaser shall have notified the warehouseman, with his address, such notice shall be given to such person in lieu of the person storing the goods.

Notice of sale,
how served.

SECTION 7. This act shall take effect upon its passage.

Approved May 2, 1895.

AN ACT TO INCORPORATE THE FALL RIVER AND PROVIDENCE STREET RAILWAY COMPANY.

Chap. 349

Be it enacted, etc., as follows :

SECTION 1. Frank S. Stevens, Robert T. Davis, George W. Slade, Frank W. Brightman, William F. Thomas, Benjamin Cook and Charles F. Shaw, their associates and successors, are hereby made a corporation under the name of the Fall River and Providence Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

Fall River and
Providence
Street Railway
Company incor-
porated.

SECTION 2. Said company is hereby authorized to construct and operate a railway, with single or double tracks and with convenient turn-outs and switches, in part upon private land and over and upon any streets or highways in the city of Fall River and in the towns of

May construct
and operate a
railway in city
of Fall River
etc.

Somerset and Swanzev as shall be from time to time fixed and determined by the mayor and aldermen of the city of Fall River, for the city of Fall River, and the selectmen of the towns of Somerset and Swanzev, for their respective towns. And said company may construct its tracks over private land and hold the same by purchase or lease. It may acquire by purchase all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway.

May acquire
necessary real
estate.

Location.

SECTION 3. The location of said street railway outside of public streets and highways shall not exceed fifty feet in width.

Motive power.

SECTION 4. Said company may maintain and operate said railway by any motive power other than steam approved by the mayor and aldermen of the city of Fall River and the boards of selectmen of the towns of Somerset and Swanzev, and, with the consent of such mayor and aldermen and boards of selectmen, may make such underground alterations of the streets and highways, and may erect such poles and wires therein, and may erect and maintain such poles and wires on private lands obtained as aforesaid, as may be necessary to establish and maintain such motive power.

Capital stock.

SECTION 5. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, except that said corporation may increase its capital stock subject to the general laws applicable to such increase.

May issue
bonds, etc.

SECTION 6. Said corporation may from time to time, by vote of the majority in interest of its stockholders, issue coupon or registered bonds to such amount and upon such terms as may be approved by the board of railroad commissioners. To secure the payment of such bonds with interest thereon said corporation may make a mortgage of its road and franchise and any part of its other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become worn, damaged or unsuitable for use in the operation of its road, provided that an equivalent in value is substituted therefor. All bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be
approved.

SECTION 7. Said corporation may lease a street railway which may hereafter be built within the state of Rhode Island connecting with that herein described: *provided*, that such lease shall first be approved by the board of railroad commissioners.

May lease
certain street
railway.
Proviso.

SECTION 8. This act shall take effect upon its passage, but shall become void unless said railway is constructed and put in operation before the first day of July in the year eighteen hundred and ninety-eight.

Railway to be
constructed,
etc., before
July 1, 1898.

Approved May 2, 1895.

AN ACT RELATIVE TO THE TRANSMISSION OF ELECTRICITY FOR THE
PURPOSES OF HEATING AND POWER.

Chap.350

Be it enacted, etc., as follows:

SECTION 1. All provisions of law granting to persons and corporations authority to erect, lay and maintain, and to cities and towns authority to regulate telegraph, telephone and electric light lines shall, so far as applicable, apply to lines for the transmission of electricity for the purposes of heating or power, except lines for heat or power used by street railway companies. And the provisions of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-seven and of acts in amendment thereof and in addition thereto are hereby extended to such lines for heating and power, except lines for heat or power used by street railway companies.

Transmission of
electricity for
heating and
power.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1895.

AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO CHARTERED
POULTRY ASSOCIATIONS IN CERTAIN CASES.

Chap.351

Be it enacted, etc., as follows:

SECTION 1. The state board of agriculture may set aside from the bounty now allowed from the treasury of the Commonwealth to any incorporated agricultural society, such sums of money as may be recommended by the delegate representing such society on said board, such sum to be devoted solely to the premium list of such chartered poultry association as said delegate may recommend, and upon such conditions as the board of agriculture may determine.

Portion of
bounty may be
set aside for
certain pur-
poses.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1895.

Chap.352 AN ACT RELATIVE TO ADVERTISING SIGNS AND STRUCTURES ENCROACHING ON PUBLIC WAYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Use of advertising signs, etc., in city of Boston regulated.

No person shall place or maintain any sign or advertising device upon any post in any public way in the city of Boston other than by painting; nor place or maintain upon any building or other structure any sign projecting into any such way more than one foot, nor any other thing projecting into any such way more than four feet, nor any sign or other projection the lowest part of which is less than ten feet above the sidewalk thereof, except that any awning, lamp, illuminated sign, and the fixtures thereof, the lowest part of which is not less than seven feet six inches above the surface of the sidewalk, may, until the right to maintain the same is revoked, be maintained as it is at present, or, if hereafter placed, be maintained as specified in any permit issued therefor by the officer appointed to have charge of the repairs of such ways; and any person violating any of the preceding provisions for more than five days after he is notified by said officer that he is so doing shall be punished by a fine of two dollars for each day that such violation continues after said notice.

Approved May 2, 1895.

Chap.353 AN ACT TO AUTHORIZE THE MASSACHUSETTS HORTICULTURAL SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional estate.

SECTION 1. The Massachusetts Horticultural Society is hereby authorized to hold real and personal estate, for the purposes set forth in its charter, to an amount not exceeding one million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1895.

Chap.354 AN ACT TO CONFIRM THE PROCEEDINGS OF THE CITY OF CAMBRIDGE IN THE TAKING AND HOLDING OF CERTAIN LANDS AND OTHER PROPERTY BY EMINENT DOMAIN.

Be it enacted, etc., as follows:

Certain proceedings of city of Cambridge confirmed, etc.

SECTION 1. All the acts, proceedings and doings, in the years eighteen hundred and ninety-three and eighteen hundred and ninety-four, of the city council of Cambridge,

and its officers, agents and servants appointed and elected under its various ordinances, hitherto purporting to be had and done in pursuance of and by virtue of the power conferred by chapter one hundred and fifty-three of the acts of the year eighteen hundred and sixty-five; chapter eighty-nine of the acts of the year eighteen hundred and sixty-six; chapter thirteen of the acts of the year eighteen hundred and sixty-eight; chapter one hundred and fifty-seven of the acts of the year eighteen hundred and seventy-two; chapter one hundred and forty-five of the acts of the year eighteen hundred and seventy-five; chapter one hundred and sixty-five of the acts of the year eighteen hundred and seventy-five; chapter one hundred and seventy-one of the acts of the year eighteen hundred and eighty; chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-four; chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-six; chapter one hundred and thirty-seven of the acts of the year eighteen hundred and eighty-eight; chapter two hundred and fifty-eight of the acts of the year eighteen hundred and ninety-one; chapter one hundred and thirty-five of the acts of the year eighteen hundred and ninety-two; chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety-two; chapter eighty-five of the acts of the year eighteen hundred and ninety-four; chapter two hundred and fifty-five of the acts of the year eighteen hundred and ninety-four, and chapter five hundred and twenty of the acts of the year eighteen hundred and ninety-four, are hereby ratified and confirmed.

Certain proceedings of city of Cambridge confirmed, etc.

SECTION 2. The agreement signed by James M. W. Hall, George H. Howard and Frank A. Allen, claiming to act for the city of Cambridge, and the agreement signed by Erskine Warden, claiming to act for and in behalf of the city of Waltham, said agreements relating to the discontinuance of Brook street in the city of Waltham and the right on the part of the city of Cambridge to rebuild and relocate a portion of Winter street in the city of Waltham, to be used partly as a dam, for further extension of reservoir works now in process of erection in said Waltham for the extension of the water supply of Cambridge, and dated the thirty-first day of December in the year eighteen hundred and ninety-four, are hereby ratified and confirmed as a contract between the city of

Certain agreements confirmed.

Waltham and the city of Cambridge; and said cities may do the things therein agreed upon, and the payment of the consideration therein named is hereby ratified and confirmed.

Certain proceedings had by city of Waltham confirmed.

SECTION 3. The proceedings heretofore had by the city of Waltham in the discontinuance of Brook street in said city are hereby ratified and confirmed.

Damages.

SECTION 4. The city of Cambridge shall be liable to pay all damages that shall be sustained by any persons in their property by the discontinuance of said Brook street and by the relocation of Winter street, as mentioned in sections two and three of this act, to which any person is entitled at the time of said discontinuance and at the time when entry is made and possession is taken by the city of Cambridge of said portions of Winter street for the purpose of relocating the same and the erection of said dam; and in regard to such discontinuance, relocation and erection of said dam and the ascertainment and payment of all such damages the city of Cambridge and all persons claiming damages shall have all the rights and remedies, and be subject to all the duties and liabilities set forth in chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-four.

City of Waltham to be indemnified, etc.

SECTION 5. The city of Cambridge shall at all times indemnify and save harmless the city of Waltham against all damages which may be recovered against the said city of Waltham, and shall reimburse to the city of Waltham all expenses which the latter shall incur by reason of any defect or want of repair of that portion of said Winter street which makes a part of said dam: *provided*, that the city of Cambridge shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

Proviso.

City of Cambridge may change grade of certain roads in Lincoln and Lexington.

SECTION 6. The city of Cambridge, for the purpose of the construction, maintenance and preservation of aqueducts, dams, reservoirs, storage basins and other proper works now in process of construction under any act authorizing said city to provide a water supply, may change the grade of such portions of the following described parts of roads in the towns of Lincoln and Lexington as the county commissioners for the county of Middlesex may deem necessary and proper for the purposes aforesaid, namely: — Mill street in Lincoln, from its intersection with Middle street to a point opposite the house formerly

occupied by Charles E. Brown; Middle street, from its intersection with Concord turnpike in Lincoln to its intersection in Lexington with the old county road from Lexington to Weston; Concord turnpike, from its intersection with said Middle street to a point opposite the easterly boundary line of land taken by the city of Cambridge, and the road leading from Lincoln to Waltham by the former site of the old mill on Hobbs brook, from the intersection of said road with said old county road to the Waltham line. Said commissioners upon petition of said city may, for the purposes aforesaid, discontinue the following described parts of roads in said Lincoln and Lexington, namely: — All of Brook street in Lincoln from its intersection with Winter street to the town line; and said old county road between said Concord turnpike in Lexington and its intersection in Lincoln with the new road laid out from the premises of John J. Jurada to said Concord turnpike. Said commissioners may, for the purposes aforesaid, upon the petition of said city of Cambridge or of the selectmen of Lexington or Lincoln, determine the boundaries of and locate anew, in substantially its present position, the road forming the westerly boundary of land now taken or acquired by the city of Cambridge for said purposes, from the town line between Lincoln and Waltham to said Concord turnpike; and may change the grades of said road within said limits so that said road may be at a proper height above the high water mark of any reservoir or storage basin constructed by the city of Cambridge on adjoining land. Said commissioners may, subject to the consent of the mayor and aldermen of the city of Waltham, lay out a street in said Waltham from the junction of Smith and Lincoln streets to a point on Winter street near the easterly junction of Locust street with said Winter street, said new street to be a substitute for Brook street, discontinued under the agreement mentioned in the second section of this act, and may apportion the expense and construction thereof between the cities of Waltham and Cambridge. Before proceeding to change the grade of any road as aforesaid said city of Cambridge shall file plans and specifications, showing the proposed changes, in the office of said commissioners, which plans and specifications shall be approved by said commissioners before any work is done. Said commissioners, before making any order or return or approving

County commissioners may discontinue parts of certain roads.

May determine boundaries, change grades, etc., of certain road.

May lay out street in Waltham, etc.

City of Cambridge to file plans, etc.

Notice of proposed proceedings to be given, etc.

any plans and specifications as aforesaid, shall by publication in some newspaper published in said county, and by service on the clerks of the respective cities and towns, give to the parties interested therein at least fourteen days' notice of the proceedings proposed, and shall otherwise proceed so far as possible in the manner prescribed by law for laying out highways; and may award the damages sustained by any person by reason of anything ordered or approved by them under this act.

City of Cambridge to perform certain work, keep in repair certain roads, etc.

SECTION 7. The city of Cambridge shall at its own expense, except as otherwise provided in section six, perform all work authorized to be done by this act to the acceptance of said commissioners; shall perpetually keep in repair that part of said road leading from Lincoln to Waltham by said mill site, the grade of which is changed as herein permitted; shall keep in repair any other roads or parts of roads changed in grade under this act, in such places and for such times, not exceeding five years, as said commissioners may order, and upon such roads or parts of roads shall perpetually maintain such suitable guard rails as said commissioners from time to time may order; shall, except as otherwise provided in section six, pay all damages awarded or recovered by any person by reason of anything done under this act; and shall at all times indemnify and save harmless said towns against all damages which may be recovered against either of them, and shall reimburse to them all expenses which they shall incur by reason of any defect or want of repair in any road, during such time as said city may be required to keep such road in repair, or by reason of any defect or want of repair in any road caused by the doing of any work under the authority of this act: *provided*, that the city of Cambridge shall have due and reasonable notice of all claims for such damages, and opportunity to make a legal defence thereto. All awards of damages and all orders, adjudications and decrees made by said commissioners under this act shall have the same force and effect, except as herein otherwise provided, and parties shall have and be subject to the same rights and remedies, so far as applicable, as are now provided by law with reference to highways.

Damages, etc.

Proviso.

SECTION 8. This act shall take effect upon its passage.

Approved May 9, 1895.

AN ACT RELATIVE TO INQUESTS IN ELECTION CASES.

Chap. 355

Be it enacted, etc., as follows:

SECTION 1. Upon a complaint subscribed and sworn to by any person before a municipal, police or district court, or a trial justice, alleging that reasonable grounds exist for believing that any law relating to the registration, qualification or assessment of voters, or to voting lists or ballots, or to caucuses, conventions and elections, or any matters or things pertaining thereto, has been violated, such court or justice may at once hold an inquest to inquire into such alleged violation of the law.

Inquest in cases of alleged violations of certain laws relating to elections.

SECTION 2. If the court or trial justice deems proper such inquest may be private, in which case any or all persons other than those whom the court or justice shall deem necessary to be present may be excluded from the place where such inquest is held; and said court or trial justice may also direct the witnesses to be kept separate, so that they cannot converse with each other, until they have been examined. The district attorney or some person designated by him, or the attorney-general, in such cases as he thinks advisable, shall attend the inquest and examine all witnesses.

Inquests may be private, etc.

SECTION 3. Such court or justice, or district attorney may issue subpoenas for witnesses, returnable before said court or trial justice. The person served with such process shall be allowed the same fees, their attendance may be enforced in the same manner, and they shall be subject to the same penalties, as if served with a subpoena in behalf of the Commonwealth in a criminal prosecution pending before such court or trial justice.

Witnesses, attendance, fees, etc.

SECTION 4. The presiding justice of such court or trial justice shall, if he deems it necessary, employ a stenographer, and have all or any part of the proceedings reduced to writing; and after hearing the testimony he shall draw up and sign a report in which he shall state all the material circumstances relating to the violation of the law, if he shall find that the law has been violated, and shall further state the name or names of any persons who may have been guilty of any such violation; and he shall file said report with the records of the superior court in the county where the inquest is held.

Justice may employ stenographer, to make report, etc.

SECTION 5. If the justice finds that any law has been violated he may bind over, as in criminal prosecutions,

Witnesses may be bound over to appear, etc.

such witnesses as he deems necessary, or as the district attorney may designate, to appear and testify at the court in which the indictment for such offence may be found or presented.

Certain persons may be apprehended.

SECTION 6. If a person charged by the report with the commission of an offence is not in custody the justice shall forthwith issue process for his apprehension, and such process shall be made returnable before any court or magistrate having jurisdiction in the premises, who shall proceed therein in the manner required by law; but nothing herein shall prevent any justice from issuing such process before the filing of said report, if it is otherwise lawful to issue the same.

Certain testimony, etc., not to be used as evidence against witnesses, etc.

SECTION 7. No person who is called as a witness before said court or justice at said inquest, or in any court, shall be excused from answering any question, or from producing any paper relating to any alleged violation of the law which is the subject of inquiry before said court or justice in said inquest, or before any court upon a criminal prosecution for said alleged violation of law, on the ground that the answer to such question or the production of such paper may criminate or tend to criminate himself, or disgrace him, or otherwise render him infamous; but the testimony of any witness examined at said inquest, or before any court, upon the subject aforesaid, or any statement made or any paper produced by him on such examination shall not be used as evidence against such witness in any civil or criminal proceeding in any court of justice; and he shall not be prosecuted or held to answer in any civil or criminal proceeding because of any such testimony, statement or production of any paper as aforesaid; nor for any matters or causes in respect of which he was examined at said inquest or in said court, or to which his testimony or any papers produced relate.

Approved May 9, 1895.

Chap. 356

AN ACT TO AUTHORIZE RAILROAD CORPORATIONS TO FILE A LOCATION OF LANDS PURCHASED FOR RAILROAD PURPOSES.

Be it enacted, etc., as follows:

Filing of locations of lands purchased, etc., for railroad purposes, etc.

SECTION 1. A railroad corporation may file a location of any lands purchased or acquired by it for railroad purposes. Such location shall be duly certified by the clerk of the board of railroad commissioners, defining the courses, distances and boundaries of such land, in such form and with such other particulars as may be required

by the rules prescribed by the board, and shall be filed with the commissioners of each county in which such land is situated. Such location of lands heretofore purchased or acquired may be filed within one year from the passage of this act, and of lands hereafter acquired within one year after the purchase or acquisition thereof. Such location shall have the same effect as a location filed in accordance with the provisions of section ninety-one of chapter one hundred and twelve of the Public Statutes: *provided, however*, this shall not operate to prevent land thus located from being assessed for taxation in the city or town where the same is situated.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF CONSTRUCTING SEWERS.

Chap. 357

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville, for the purpose of defraying the expense of changing and constructing sewers in said city to connect the sewer system of said city with the metropolitan sewer and of constructing any other main drains or common sewers in or for said city, may incur indebtedness to an amount not exceeding one hundred thousand dollars, and may from time to time, by vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes and acts in amendment thereof or in addition thereto, issue and sell at public or private sale, but not for less than the par value thereof, negotiable notes, bonds or scrip therefor, signed by its treasurer and countersigned by its mayor, payable in periods not exceeding thirty years from the date of issue, and bearing interest at a rate not exceeding four per cent. per annum.

May incur indebtedness beyond debt limit, issue bonds, etc.

SECTION 2. The debts and loans authorized by this act, and the notes, bonds or scrip which may be issued therefor, shall not be considered, reckoned or included in determining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof or in addition thereto.

Not to be considered in determining debt limit.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap.358 AN ACT TO AUTHORIZE THE GREENFIELD AND TURNER'S FALLS STREET RAILWAY COMPANY TO CONSTRUCT A BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN THE TOWNS OF MONTAGUE AND DEERFIELD.

Be it enacted, etc., as follows:

May construct,
etc., a bridge
across the
Connecticut
river.

SECTION 1. The Greenfield and Turner's Falls Street Railway Company is hereby authorized to construct and maintain a bridge across the Connecticut river, between the towns of Montague and Deerfield, at a point on said river that will permit said railway company to connect its tracks on the locations granted or hereafter granted by the authorities of the said towns, subject to the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap.359 AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF PALMER.

Be it enacted, etc., as follows:

Proceedings
of town meet-
ing of Palmer
confirmed.

SECTION 1. The proceedings of the annual town meeting of the town of Palmer held on the eighteenth day of March in the year eighteen hundred and ninety-five, and any adjournment thereof, shall not be invalid by reason of the omission in the warrant calling such meeting of a specification of the officers to be elected or voted for at such meeting.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap.360 AN ACT TO INCORPORATE THE HORSE NECK WATER COMPANY.

Be it enacted, etc., as follows:

Horse Neck
Water Com-
pany incor-
porated.

SECTION 1. Thomas B. Tripp, Benjamin Cummings, William C. Trafford, Andrew R. Trafford, Thomas L. Lewis and Alden T. Potter, their associates and successors, are hereby made a corporation by the name of the Horse Neck Water Company, for the purpose of supplying the inhabitants of Westport with water for the extinguishment of fires and for domestic, manufacturing and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all

general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take, acquire, by purchase or otherwise, and hold the waters of any stream, well or spring within the limits of the town of Westport, or any other waters at any point in said Westport, and all the water rights connected therewith, and may obtain and take water by means of bored, driven, artesian or other wells, on any land within the limits of said town, and hold and convey said water through said town; and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on land thus taken or held proper dams, buildings, fixtures, reservoirs and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and ways: *provided, however*, that said corporation shall not enter upon and dig up any public ways except with the approval of the board of selectmen of the town in which such ways are situated, after a public hearing by said board, of which at least ten days' notice shall be given by publishing an attested copy of said notice in a newspaper published in said town, if any, and by posting an attested copy of said notice in at least five public places in said town; *provided, further, however*, that no hearing shall be necessary in cases where said ways are to be entered upon and dug up by said corporation for the purpose of constructing extensions to its plant and maintaining and repairing such conduits, pipes and other works.

May take certain waters, lands, etc.

May erect buildings, lay down pipes, etc.

Provisos.

SECTION 3. Said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of

Description of lands, etc., to be recorded.

deeds for the county and district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Damages.

SECTION 4. Said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of one year from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of one year. No application shall be made for the assessment of damages, for the taking of water or water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Distribution of water, etc.

SECTION 5. Said corporation may distribute water through the town of Westport, may regulate the use of said water and fix and collect the rates to be paid for the use of the same: and may make such contracts with said town, or with any fire district that may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishment of fire or for any purposes, as may be agreed upon by said town or such fire district, individual or corporation, and the said corporation; and may establish public fountains and hydrants and relocate and discontinue the same.

Real estate, capital stock, etc.

SECTION 6. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value twenty thousand dollars; and the whole capital stock of said corporation shall not exceed forty thousand dollars, to be divided into shares of one hundred dollars each.

Certificate of payment of capital to be filed, etc.

SECTION 7. Immediately after the payment of the capital of said company a certificate shall be signed and sworn to by its president, treasurer and at least a majority of the directors, stating the fact of such payment, the

manner in which the same has been paid in, and the manner in which such capital has been invested, or voted by the corporation to be invested, at the time of making the certificate. Such certificate shall be approved by the commissioner of corporations and shall be filed in the office of the secretary of the Commonwealth. The conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

SECTION 8. Said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

May issue mortgage bonds, etc.

SECTION 9. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

Issue of stock and bonds to be approved by commissioner of corporations.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages

Penalty for corruption of water, etc.

assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Town may take franchise, property, etc., at any time.

SECTION 11. Said town of Westport shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation exceeds in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of said corporation shall be annually submitted to the selectmen of the town of Westport, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town, and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Statement of receipts and expenditures to be made annually.

Horse Neck Water Loan.

SECTION 12. Said town may, for the purpose of paying the cost of said corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate eighty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Horse Neck Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum,

and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

SECTION 13. Said town, instead of establishing a sinking fund, may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for annual payments on loan.

SECTION 14. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return to state amount of sinking fund, etc.

SECTION 15. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Payment of expenses, etc.

SECTION 16. Said town shall, after its purchase of said corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town

Water commissioners, powers, duties, etc.

meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. Said commissioners shall be trustees of the sinking fund herein provided for and a majority of the commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To be trustees of sinking fund.

Vacancy.

Security for payment of damages, etc., required in certain cases.

SECTION 17. Upon application of the owner of any land, water or water rights taken under this act the county commissioners for the county in which such land, water or water rights are situated shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

When to take effect.

SECTION 18. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

Approved May 9, 1895.

Chap. 361 AN ACT TO MAKE CERTAIN ARMY NURSES ELIGIBLE TO RECEIVE STATE AID.

Be it enacted, etc., as follows:

Certain women who served as army nurses eligible to receive state aid.

SECTION 1. Women who by appointment from the proper authorities of the United States or by the authority of the governor of this Commonwealth served for a period

of not less than three months as nurses in the army hospitals of the United States in the war of the rebellion, between the nineteenth day of April in the year eighteen hundred and sixty-one and the first day of September in the year eighteen hundred and sixty-five, having been appointed for such service, shall be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and ninety-four, while residents of this Commonwealth and actually residing therein, and who were honorably discharged from such service: *provided*, that each applicant shall have been an actual resident of this Commonwealth for three consecutive years next prior to the date of application, and that the municipal authorities of the city or town in which the applicant resides shall be satisfied on evidence first presented to the commissioners of state aid and satisfactory to them that justice and necessity require the granting of aid. Proviso.

SECTION 2. The sum which such persons shall be entitled to receive shall not exceed four dollars per month, the amount to be paid, and the length of time it shall continue to be paid, to be determined by the commissioners of state aid upon evidence furnished to them of the justice and necessity of such payment. Amount to be paid, etc.

SECTION 3. No person shall be aided under the provisions of this act who is receiving or may hereafter receive an annuity from this Commonwealth. Certain persons not to be aided.

SECTION 4. This act shall take effect upon its passage.

Approved May 9, 1895.

AN ACT TO REQUIRE LOCOMOTIVES AND CARS USED IN TRAFFIC Chap. 362
WITHIN THE COMMONWEALTH TO BE EQUIPPED WITH CERTAIN
SAFETY APPLIANCES.

Be it enacted, etc., as follows:

SECTION 1. On and after the first day of January in the year eighteen hundred and ninety-eight no railroad corporation shall use in moving traffic between points in this Commonwealth any locomotive which is not equipped with a power driving wheel brake and appliances for operating the train brake system; or shall run any train in such traffic on and after said date that has not a sufficient number of cars in it so equipped with power or train brakes that the engineer on the locomotive drawing such Certain locomotives and cars to be equipped with safety appliances.

train can control its speed without requiring brakemen to use the common hand brake for that purpose; and when any such corporation shall have equipped a sufficient number of its cars so as to comply with the provisions of this section it may lawfully refuse to receive from connecting lines of railroad any cars used in such traffic which are not equipped sufficiently, in accordance with this section, with such power or train brakes as will work and readily interchange with the brakes in use on its own cars, as required by this act.

Cars to be equipped with automatic couplers.

SECTION 2. On and after the date aforesaid no railroad corporation shall haul or permit to be hauled or used on its lines in moving traffic between points in this Commonwealth any car which is not equipped with couplers coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars.

To be provided with grab-irons, etc.

SECTION 3. On and after the first day of July in the present year, and until otherwise ordered by the board of railroad commissioners, no railroad corporation shall use in moving traffic between points in this Commonwealth any car which is not provided with secure grab-irons or hand-holds in the ends and sides of each car for greater security to men in coupling and uncoupling cars: *provided*, that this section shall not apply to flat cars which are equipped with automatic couplers such as are described in section two.

Proviso.

Standard height of drawbars for freight cars.

SECTION 4. The standard height of drawbars for freight cars, measured perpendicularly from the level of the top of the rails to the centres of the drawbars, shall be thirty-four and one half inches for standard gauge railroads and twenty-six inches for narrow gauge railroads, with a maximum variation from such standard height, in either case, of three inches between the drawbars of empty and loaded cars; and, on and after the date last above-named, no freight car, either loaded or unloaded, shall be used in moving traffic between points in this Commonwealth with drawbars which do not comply with the above standard.

Penalty.

SECTION 5. A railroad corporation using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this act shall be liable to a penalty of one hundred dollars for each such violation, to be recovered

in an action of tort to the use of the Commonwealth by the attorney-general or the district attorney for the district in which such violation was committed: *provided*, Proviso. that nothing in this act contained shall apply to trains composed of four wheel cars, or to locomotives used in hauling such trains.

SECTION 6. The board of railroad commissioners may from time to time, upon full hearing and for good cause, extend the period within which any railroad corporation shall comply with the provisions of this act. Time may be extended.

SECTION 7. Any employee of such corporation who may be injured by any locomotive, car or train in use contrary to the provision of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such corporation after the unlawful use of such locomotive, car or train has been brought to his knowledge. Injuries to employees.

Approved May 9, 1895.

AN ACT TO PROVIDE FOR THE PREPARATION AND PUBLICATION OF A SECOND SUPPLEMENT TO THE PUBLIC STATUTES, *Chap. 363*

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint some skilled person to prepare a second supplement to the Public Statutes, containing the general laws passed since the passage of the laws embraced in the supplement to the Public Statutes, down to and including the laws passed in the year eighteen hundred and ninety-five, together with a suitable index thereof and with marginal references to the statutes affected by such laws, and to the decisions of the supreme judicial court relating thereto. It shall also contain a copy of the table of changes in the Public Statutes and the laws subsequent thereto, as prepared for the year eighteen hundred and ninety-five under the authority of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and eighty-two. Second supplement to Public Statutes to be prepared.

SECTION 2. The supplement herein provided for shall be stereotyped and printed. The first edition of such supplement shall consist of three thousand copies, and further editions thereof may be printed at the discretion of the governor and council. Printing, editions.

Distribution.

SECTION 3. Copies of such supplement shall be distributed as provided in section four of chapter three hundred and eighty-three of the acts of the year eighteen hundred and eighty-eight, and of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and ninety-five; and one copy shall be furnished each member of the general court of the year eighteen hundred and ninety-five.

Compensation
for services.

SECTION 4. The compensation for the services herein provided for shall be fixed by the governor and council.

SECTION 5. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap.364

AN ACT TO PROVIDE FOR ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Clerical assist-
ance.

SECTION 1. The register of probate and insolvency for the county of Suffolk shall be allowed, in addition to the amount now allowed by law, a sum not exceeding eighteen hundred dollars a year for clerical assistance actually performed, to be paid from the treasury of the Commonwealth upon the official certificate of said register, countersigned by a judge of probate and insolvency for said county.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap.365

AN ACT MAKING APPROPRIATIONS FOR SALARIES OF EMPLOYEES, AND OTHER NECESSARY EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS.

Be it enacted, etc., as follows:

Appropriations
for salaries, etc.,
in department
of sergeant-at-
arms.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of the salaries of employees, for expenses in connection with the care of the state house and grounds, and for other necessary expenses in the department of the sergeant-at-arms for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: — For the salaries of the watchmen and assistant watchmen, a sum not exceeding eight thousand two hundred dollars; for the salaries of a stenographer and office boy, a sum not exceeding twelve hundred dollars; for the salary of

a matron, a sum not exceeding eight hundred dollars; for the salaries of porters, a sum not exceeding three thousand dollars; for the salary of a gardener, a sum not exceeding nine hundred dollars; for the salary of the chief engineer and assistant engineers, a sum not exceeding four thousand five hundred dollars; for the salaries of firemen, oilers and cleaners, a sum not exceeding seven thousand eight hundred dollars; for the salaries of electricians, a sum not exceeding two thousand three hundred dollars; for the salaries of a man to care for elevator pump and machinery, and for elevator men, a sum not exceeding three thousand eight hundred dollars; for the salary of a steam fitter and helper, a sum not exceeding fifteen hundred dollars. The above amounts are authorized by chapter sixty-eight of the resolves of the present year and are in addition to the sums now provided by law to be expended under the direction of the sergeant-at-arms. For the care of the state house and grounds, a sum not exceeding twenty-five thousand dollars. For fuel and lights, including coal, water, gas, and removal of ashes, etc., a sum not exceeding thirty-seven thousand dollars. For telephones, a sum not exceeding thirty-five hundred dollars.

Appropriations for salaries, etc., in department of sergeant-at-arms.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

AN ACT RELATIVE TO THE ISSUING OF LIFE INSURANCE POLICIES WITHOUT PREVIOUS MEDICAL EXAMINATION.

Chap. 366

Be it enacted, etc., as follows:

SECTION 1. No life insurance company organized under the laws of or doing business in this Commonwealth shall enter into any contract of insurance upon lives within this Commonwealth without having previously made or caused to be made a prescribed medical examination of the insured by a registered medical practitioner.

Not to issue policies without previous medical examination.

SECTION 2. Any insurance company violating the provisions of this act, or any officer, agent or other person soliciting or effecting, or attempting to effect, a contract of insurance contrary to the provisions hereof, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars for each offence.

Penalty.

SECTION 3. This act shall take effect on the first day of September in the year eighteen hundred and ninety-five.

To take effect Sept. 1, 1895.

Approved May 9, 1895.

Chap.367 AN ACT TO AUTHORIZE THE CITY OF NEWTON TO DIVIDE WARD FIVE INTO VOTING PRECINCTS.

Be it enacted, etc., as follows:

May divide
ward five,
Newton, into
precincts.

SECTION 1. The mayor and aldermen of the city of Newton are hereby authorized to divide ward five of said city into precincts, so that the village of Newton Upper Falls, so-called, and the territory contiguous thereto, shall constitute one such precinct, and the village of Newton Highlands, so-called, and the territory contiguous thereto, shall constitute one such precinct, and the village of Waban, so-called, and the territory contiguous thereto, shall constitute one such precinct. The boundaries of such precincts shall, so far as possible, be the centre lines of known streets or ways.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap.368 AN ACT TO EXEMPT CERTAIN TOWN HALLS FROM THE OPERATION OF THE LAW REGULATING THE CONSTRUCTION OF BUILDINGS TO BE USED AS THEATRES.

Be it enacted, etc., as follows:

1894, 382, not to
apply to certain
town halls, etc.

SECTION 1. The provisions of chapter three hundred and eighty-two of the acts of the year eighteen hundred and ninety-four shall not apply to town halls or public buildings under construction on or before the first day of October in the year eighteen hundred and ninety-four, built of brick and not over two stories in height.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap.369 AN ACT ESTABLISHING THE COMPENSATION TO BE ALLOWED DEPUTY SHERIFFS FOR ATTENDING SITTINGS OF THE SUPREME JUDICIAL AND SUPERIOR COURTS IN CERTAIN COUNTIES.

Be it enacted, etc., as follows:

Compensation
of certain
deputy sheriffs.

The sum to be allowed to deputy sheriffs designated by sheriffs to attend the sittings of the supreme judicial and superior courts in all counties where no provision is made for the payment of an annual salary shall be five dollars each for each day's attendance, and travel as now provided by law, which shall be paid from the treasuries of said counties.

Approved May 9, 1895.

AN ACT TO DISSOLVE THE FIRST BAPTIST SOCIETY OF MARBLEHEAD. *Chap. 370*
Be it enacted, etc., as follows:

SECTION 1. The First Baptist Society of Marblehead is hereby dissolved, subject to the provisions of sections forty-one to forty-five inclusive of chapter one hundred and five of the Public Statutes.

The First Baptist Society of Marblehead dissolved.

SECTION 2. This act shall take effect upon its acceptance by said society at a legal meeting called for the purpose.

When to take effect.

Approved May 9, 1895.

AN ACT AUTHORIZING THE TOWNS IN THE COUNTY OF DUKES COUNTY TO UNITE IN EMPLOYING A SUPERINTENDENT OF SCHOOLS. *Chap. 371*
Be it enacted, etc., as follows:

SECTION 1. The towns of Edgartown, Cottage City, Tisbury, West Tisbury, Chilmark, Gay Head and Gosnold, or any two or more of them, after their acceptance of this act, notwithstanding said towns do not contain twenty-five schools, are hereby authorized to unite for the purpose of the employment of a superintendent of schools, and shall have the same right to receive an allowance from the state treasury and be subject to the same duties and liabilities as other towns so authorized under the provisions of chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof.

Towns in Dukes county may unite in employing a superintendent of schools.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

AN ACT RELATIVE TO THE FORWARDING BY CLERKS OF COURTS OF CERTAIN PAPERS TO THE ATTORNEY-GENERAL. *Chap. 372*
Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and seventy-four of the acts of the year eighteen hundred and ninety is hereby amended by inserting in the fourth line, before the word "Commonwealth", the words:—attorney-general appears for the,—and by striking out in the fourth and fifth lines, the words "is a party or interested", so as to read as follows:—*Section 1.* It shall be the duty of clerks of courts to cause to be printed and forwarded to the attorney-general, at Boston, one or more copies of all bills of exceptions and reports of cases in

1890, 374, § 1, amended.

Clerks of courts to forward certain papers to attorney-general.

which the attorney-general appears for the Commonwealth, as soon as may be after the same have been allowed and filed.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap. 373 AN ACT RELATIVE TO THE RIGHT OF STATE OFFICIALS TO CONSULT WITH THE ATTORNEY-GENERAL.

Be it enacted, etc., as follows:

Certain state officials may consult with attorney-general.

SECTION 1. The attorney-general shall, when required by any department of the Commonwealth, or by any state board or commission having jurisdiction throughout the Commonwealth, consult and advise with them on questions of law relating to their official business.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

Chap. 374 AN ACT TO AUTHORIZE TOWNS TO PLACE THE ADMINISTRATION OF THEIR HIGHWAYS UNDER A SINGLE HIGHWAY SURVEYOR.

Be it enacted, etc., as follows:

Certain towns may elect a highway surveyor.

SECTION 1. In towns which vote to accept the provisions of this act there shall be elected at the annual town meeting in each year until such acceptance is revoked by the town at an annual meeting, a single highway surveyor, who shall hold his office for one year from the date of his election and shall have the exclusive control of the ordinary repair of highways, town ways, streets, causeways and bridges in said town, without being subject to the authority of the selectmen. When such a surveyor is elected the term of office of any road commissioner previously elected shall terminate.

When to take effect, etc.

SECTION 2. In towns in which ballots are not provided at the expense of the town the question of the acceptance or revocation of the acceptance of this act shall be voted upon only at an annual town meeting, and such vote shall take effect forthwith. In other towns the question may be voted upon either at an annual or special meeting, and the vote shall take effect at the annual meeting held next after the expiration of sixty days from the date of such vote.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1895.

AN ACT RELATIVE TO THE REIMBURSEMENT OF CERTAIN TOWNS
FOR EXPENSES INCURRED IN THE MAINTENANCE OF THE INSANE
AT THE STATE ALMSHOUSE AND THE STATE FARM. *Chap. 375*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and forty-three of the acts of the year eighteen hundred and ninety-two is hereby amended by inserting after the word "asylums", in the sixth line, the words:—or the state almshouse or state farm,—so as to read as follows:—Whenever it shall be made to appear to the governor and council that a town of this Commonwealth having a taxable valuation of less than five hundred thousand dollars, in the valuation of polls and estates established by the general court, is lawfully charged with the maintenance, at one of the state lunatic hospitals or asylums, or the state almshouse or state farm, of an insane person, by reason of such person having a legal settlement in such town, the expense hereafter incurred for such maintenance may be reimbursed such town in whole or in part from the state treasury.

1892, 243,
amended.

Reimbursement
of certain towns
for maintenance
of insane.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1895.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A REGISTRAR OF
LABOR. *Chap. 376*

Be it enacted, etc., as follows:

SECTION 1. The civil service commissioners are authorized to appoint a registrar of labor, who shall under their direction supervise the administration of civil service rules applicable to the public labor service of the Commonwealth or any city thereof. He shall receive an annual salary of two thousand dollars and be allowed his actual travelling expenses incurred in the discharge of his official duties. The salary and travelling expenses for the current year shall be paid from the appropriation for clerical assistance and travelling expenses of the civil service commissioners as authorized by chapter thirteen of the acts of the present year.

Civil service
commissioners
may appoint a
registrar of
labor.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1895.

Chap. 377 AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE TOWN OF BRADFORD.

Be it enacted, etc., as follows:

May take certain waters, lands, etc.

SECTION 1. The town of Bradford, for the purpose of supplying itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, may take and hold so much as it may require for the purposes herein mentioned, but not exceeding one million gallons in any one day, of the waters of Johnson's pond, situated in the towns of Groveland and Boxford, and the waters that flow into and from the same; and for the purposes herein mentioned may take and hold by purchase or otherwise any lands, water rights, rights of way and easements necessary for laying, constructing and maintaining aqueducts, water courses, reservoirs, storage basins, dams and such other works as may be deemed necessary for purifying the sources of its water supply and for collecting, purifying, raising, storing, retaining, discharging, conducting and distributing said waters; with full power and authority to construct aqueducts and maintain dams, reservoirs, storage basins and other proper works; to erect buildings and machinery; to make and establish such public fountains and hydrants as may from time to time be deemed proper, and to change or discontinue the same; to regulate the use of water and to establish the rates to be paid therefor, and collect the same by process of law; and with full power and authority for the purposes aforesaid to carry any pipe, drain or aqueduct over or under any water course, street, railroad, public way, highway or other way in such manner as not unnecessarily to obstruct the same; to enter upon and dig up, raise and embank such road, street or way under the direction of the board of selectmen for the town in which such road, street or way is situated, in such manner as to cause the least hindrance to public travel on such road, street or way, for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct; and to do any other thing necessary or convenient in executing the purposes of this act. The title in fee simple to all lands purchased or taken under the provisions of this act shall vest in said town of Bradford, and the lands taken may be managed and controlled by the

May erect buildings, etc.

May dig up streets, etc., under direction of selectmen.

board of water commissioners hereinafter mentioned, in such manner as they shall deem for the best interests of said town of Bradford.

SECTION 2. Said town of Bradford shall, within ninety days after taking any lands, water rights, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the water commissioners hereinafter mentioned.

Description of
lands, etc., to be
recorded.

SECTION 3. Said town of Bradford shall pay all damages sustained by any person or corporation in property by the taking of any land, water, water right, easement or other property, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with the town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on the application of the town or of the person or corporation sustaining damages as aforesaid, at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages for the taking of any water or water rights, or for any injury thereto, shall be made until the water is actually withdrawn or diverted by the town under the authority of this act; and any person or corporation whose water rights may be thus taken or affected may make his application aforesaid at any time within three years from the time when the water shall be first so withdrawn or diverted.

Damages.

SECTION 4. Said town of Bradford may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act and under the provisions of chapter three hundred and ten of the acts of the year eighteen hundred and eighty-six, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars, in addition to the bonds, notes or scrip which

Bradford Water
Loan.

said town is authorized to issue by the provisions of said chapter three hundred and ten; such bonds, notes and scrip shall bear on their face the words, Bradford Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter mentioned. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

May provide for annual payments on loan.

SECTION 5. Said town of Bradford instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes and acts in amendment thereof.

Return to state amount of sinking fund, etc.

SECTION 6. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Payment of expenses.

SECTION 7. Said town of Bradford shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sink-

ing fund and payments on the principal as may be required under the provisions of this act.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town of Bradford under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corruption of water, etc.

SECTION 9. All the authority given the town of Bradford by this act and not otherwise especially provided for shall be vested in the board of water commissioners provided for by section fourteen of said chapter three hundred and ten of the acts of the year eighteen hundred and eighty-six. Their term of office shall date from the annual meeting of said town for the year eighteen hundred and ninety-five, and said commissioners shall be the trustees of any sinking fund established for the payment of any loan authorized by this act.

Water commissioners, powers, duties, etc.

SECTION 10. Nothing in this act shall be construed to prevent the towns of Groveland and Boxford from supplying themselves with water from said Johnson's pond, independently of said town of Bradford.

Not to affect certain rights of Groveland and Boxford.

SECTION 11. The provisions of this act shall not affect or impair any right of the present or future owners of the mills and privileges now known as the Groveland Woolen Mills, situated in said Groveland, to draw water from said Johnson's pond for the purposes of said mills and privileges concurrently with said town of Bradford, acting under the provisions of this act, until the water in said pond is drawn as low as they could draw it through the outlet from said pond towards said mills as said outlet existed on the first day of January in the year eighteen hundred and ninety-five.

Certain rights of Groveland Woolen Mills not impaired.

SECTION 12. If said town of Bradford takes water from said Johnson's pond under the provisions of this act it shall make proper provisions for storing all the waters of the watershed of Chadwick's pond in Bradford and Boxford which flow into said Johnson's pond, and the water so stored shall from time to time be allowed to flow into said Johnson's pond whenever Johnson's pond will fur-

Certain waters to be stored, etc.

nish storage capacity for said water and not otherwise; and for the purposes herein mentioned said town of Bradford may take and hold by purchase or otherwise such lands, waters, water rights, rights of way and easements as may be deemed necessary.

Water drawn from Johnson's pond to be measured, etc.

SECTION 13. Said town of Bradford shall provide suitable appliances for measuring the quantity of water drawn from said Johnson's pond under the provisions of this act and keep accurate records of the same, and such appliances and records shall be open to the inspection of all parties having an interest therein, at all reasonable times.

When to take effect.

SECTION 14. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Bradford present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any one year shall not exceed three.

SECTION 15. This act shall take effect upon its passage.

Approved May 14, 1895.

Chap.378 AN ACT RELATIVE TO FENDERS AND WHEEL GUARDS ON STREET RAILWAY CARS.

Be it enacted, etc., as follows:

Certain street railway cars to be equipped with fenders and wheel guards.

SECTION 1. Street railway companies operating cars propelled by any motive power other than horse power shall equip their cars, when in use, with such fenders and wheel guards as may be required by the board of railroad commissioners, and said board shall have power from time to time to modify its requirements.

Penalty.

SECTION 2. It shall be the duty of said board, within three months after the passage of this act, to notify street railway companies doing business in this Commonwealth of its requirements under the preceding section, and any such company neglecting, for a period of three months after such notification, to comply with such requirements shall forfeit a sum not exceeding fifty dollars for each day that such neglect continues.

Approved May 14, 1895.

Chap.379 AN ACT TO MAKE NOTARIES PUBLIC AND JUSTICES OF THE PEACE ELIGIBLE FOR THE OFFICE OF LICENSE COMMISSIONER.

Be it enacted, etc., as follows:

1894, 428, § 1, amended.

SECTION 1. Section one of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and

ninety-four is hereby amended by inserting in the tenth line, after the word "office", the words:—except that of notary public and justice of the peace,—so as to read as follows:—*Section 1.* In each city of the Commonwealth, except the cities exempted by the provisions of section ten of this act, there shall be a board of license commissioners, to be appointed by the mayor of such city. Each such board shall consist of three persons, who shall have been residents of the city in which they are appointed for at least two years immediately preceding such appointment, and who shall not be engaged directly or indirectly in the manufacture or sale of intoxicating liquors, and who shall not hold any other public office except that of notary public and justice of the peace. If any member of said board engages directly or indirectly in such manufacture or sale his office shall immediately become vacant.

Boards of license commissioners in certain cities, appointment, etc.

SECTION 2. Each person now holding the office of license commissioner under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety-four, and the office of justice of the peace or notary public, shall have and retain each such office according to the terms of his appointment; and all acts done by each such person as license commissioner, notary public or justice of the peace, are hereby confirmed and made valid to the same extent as though said offices could heretofore have been held by the same person.

Certain acts confirmed, etc.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1895.

AN ACT RELATIVE TO EXECUTIONS ISSUED BY TRIAL JUSTICES.

Chap.380

Be it enacted, etc., as follows:

SECTION 1. Executions issued by trial justices may be served and shall be obeyed in every county to which they are directed.

Serving, etc., of certain executions.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1895.

AN ACT TO AUTHORIZE THE TOWN OF WEBSTER TO MAKE AN ADDITIONAL WATER LOAN.

Chap.381

Be it enacted, etc., as follows:

SECTION 1. The town of Webster, for the purposes mentioned in chapter one hundred and fifty-five of the

May incur additional indebtedness.

acts of the year eighteen hundred and ninety-three, may incur additional indebtedness to an amount not exceeding twenty thousand dollars, subject to the provisions of said act.

When to take effect.

SECTION 2. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any one year shall not exceed four.

Approved May 14, 1895.

Chap.382 AN ACT TO INCORPORATE THE WORCESTER ARCADE CORPORATION.
Be it enacted, etc., as follows:

Worcester
Arcade Corpo-
ration incorpo-
rated.

SECTION 1. Stephen Salisbury, George F. Blake, Jr., Francis H. Dewey, Lyman A. Ely, Horace H. Bigelow, James Green, Oliver S. Kendall, George D. Webb, Arthur W. Woods, George A. Stevens, Levi H. Stockwell, Charles E. Squiers, their associates and successors, are hereby made a corporation by the name of the Worcester Arcade Corporation, with authority to erect and maintain a building in the city of Worcester to be used for public halls and for manufacturing, mechanical, mercantile and hotel purposes, and for shops, stores and offices.

Capital stock,
etc.

SECTION 2. Said corporation may have a capital stock not exceeding one million dollars, and shall, except as herein otherwise provided, have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1895.

Chap.383 AN ACT RELATIVE TO THE AGENT FOR AIDING DISCHARGED PRISONERS.

Be it enacted, etc., as follows:

To perform
certain addi-
tional duties.

SECTION 1. The person appointed by the commissioners of prisons as their agent for aiding convicts discharged from the state prison shall also perform such duties as said commissioners shall require in regard to prisoners discharged permanently, or released on probation, from the other institutions under their supervision.

Said agent shall receive an annual salary of twelve hundred dollars. Compensation.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1895.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO INCREASE Chap. 384
ITS WATER SUPPLY AND MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester is hereby authorized to take and convey into and through said city the waters of Kettle brook in the towns of Leicester and Paxton, at a point at or near Kent mills, so-called, and of any reservoirs thereon and the waters flowing into the same, and to take and hold any land and build and maintain any structures necessary for said purpose; and said city may take and maintain existing reservoirs and ponds upon the said stream above the point at which it takes the water, and may by aqueduct bring the water so taken directly into the city or through any reservoir and any aqueduct belonging to said city already established and now existing: *provided*, that this act shall be inoperative unless the city of Worcester shall, within six months after its passage, take the waters of said Kettle brook as herein provided; and *provided, further*, that the authority here granted shall be subject to the rights granted the Leicester Water Supply District by chapter one hundred and seventy-one of the acts of the year eighteen hundred and eighty-eight and chapter two hundred and thirty-two of the acts of the year eighteen hundred and eighty-nine. May take certain waters, land, etc.
Provisos.

SECTION 2. The rights, powers and authority given by this act shall be exercised by the city of Worcester by the same officers in whom are vested the rights, powers and authority given by chapter one hundred and four of the acts of the year eighteen hundred and sixty-four; and said city shall be entitled to all the rights and subject to all the duties and liabilities set forth in chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one, to be enforced in the manner provided in said chapter. Rights and powers granted, how exercised.

SECTION 3. For the purpose of defraying all costs and expenses incident to the acts herein authorized, including the payment for land and water rights taken, the city council shall have authority to borrow from time to Worcester Water Scrip.

Worcester
Water Scrip.

time such sums of money, and to issue notes, bonds or certificates therefor, to be denominated on the face thereof, Worcester Water Scrip, as said council shall deem necessary, to an amount not exceeding five hundred thousand dollars, upon the same terms and conditions and with the same authority in regard to interest and the sale of said scrip, and the payment of the principal thereof, and the appropriation and assessment of money for the payment of the principal and the interest on the moneys so borrowed, as are specified in section five of chapter one hundred and four of the acts of the year eighteen hundred and sixty-four.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1895.

Chap.385 AN ACT RELATIVE TO THE FEEDING OF FOOD ANIMALS WITH GARBAGE, REFUSE OR OFFAL.

Be it enacted, etc., as follows :

Penalty for
feeding certain
animals with
garbage, etc.

Whoever knowingly feeds or has in his possession with intent to feed to any food animal, except swine, any garbage, refuse or offal collected by any city of more than thirty thousand inhabitants, by contract or otherwise, shall be punished by imprisonment in the jail or house of correction not exceeding thirty days, or by fine not exceeding fifty dollars.

Approved May 14, 1895.

Chap.386 AN ACT TO AUTHORIZE THE TOWN OF ANDOVER TO ESTABLISH A SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows :

May construct,
etc., a system of
sewerage, etc.

SECTION 1. The town of Andover may lay out, construct and maintain a system of sewerage and sewage disposal for said town; may take by purchase or otherwise any lands, water rights, rights of way or easements in said town deemed necessary for the establishment of such system of sewerage and sewage disposal and for connections therewith; may establish an annual charge for the privilege of connecting with such system, and may order any or all persons or corporations within the territory covered by said system to dispose of their sewage in said town by connection therewith; and any person or corporation neglecting to comply with such order shall be fined not exceeding twenty dollars for each week's continuance of such neglect.

SECTION 2. Said town may construct and maintain an outlet for its system of sewerage and sewage disposal into the Merrimac river, and for that purpose may take, by purchase or otherwise, a strip of land of sufficient width extending from the boundary line of said town on the easterly side of the Shawsheen river through a portion of the city of Lawrence and that portion of the town of North Andover west of Railroad street and north of Sutton street to said Merrimac river, and may construct an outlet in such strip through private and other lands, and lay the same under any street, highway or other way or railroad, and may enter upon and dig up any such private lands or other lands, street, highway or other way or railroad in such manner as not unnecessarily to obstruct the same, for the purpose of laying, maintaining and repairing such outlet, and shall leave such streets or ways so dug up in said town of North Andover in a condition satisfactory to the selectmen or road commissioners of said town.

May construct an outlet, dig up lands, etc.

SECTION 3. Said town of Andover may, for the purposes of this act, carry its sewers, drains, pipes and conduits under and along any street, railroad, highway or other way in such a manner as not unnecessarily to obstruct the same, and may do any other thing necessary and proper for said purposes.

May carry its sewers, etc., under streets, etc.

SECTION 4. Said town of Andover when it takes any land, water, water rights, rights of way or easements, or other real estate, under the authority of this act, in any other manner than by purchase, shall within sixty days of said taking cause to be recorded in the registry of deeds for the northern district of the county of Essex a description of the same as certain as is required in a common conveyance of land, with a statement that the same are taken under the authority of this act, signed by its sewer commissioners; and upon such recording the title of the lands, water rights, rights, easements and other real estate so described shall vest in said town of Andover.

Description of land, etc., to be recorded.

SECTION 5. No act shall be done under the authority of the preceding sections until said system of sewerage shall have been approved by the state board of health.

System to be approved by state board of health.

SECTION 6. Said town of Andover shall pay all damages sustained by any person or corporation in his or its property by reason of such taking, or by reason of any other thing done by said town of Andover under the

Damages.

authority of this act, and if such person or corporation and town fail to agree as to the amount of damages sustained such damage shall be assessed and determined by a jury of the superior court in the manner provided by law when land is taken for the laying out of highways, on petition therefor by such person or corporation, or the town, filed in the office of the clerk of said court for the county of Essex at any time within the period of two years from the taking of such land or other property.

Town may offer
a specified sum,
etc.

SECTION 7. In every case of a petition for the assessment of damages by a jury as aforesaid said town of Andover may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the sum so offered within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the sum so offered and interest thereon to the time of the verdict, said town shall be entitled to recover its costs from the date of the offer; and the complainant, if he recovers damages, shall be allowed his costs only to the date of said offer, unless he recovers a greater sum than the sum so offered and interest thereon to the time of the verdict.

May incur
indebtedness
beyond debt
limit, issue
bonds, etc.

SECTION 8. Said town of Andover in order to carry out the provisions of this act may raise and appropriate in such manner as it shall determine, such sum or sums of money as shall be required therefor, provided the aggregate indebtedness incurred shall not exceed fifty thousand dollars beyond the limit of indebtedness fixed by law for said town; and for money borrowed said town may issue from time to time negotiable bonds, notes or scrip, payable at the expiration of periods not exceeding thirty years from the date of issue and bearing such rate of interest not exceeding five per cent. per annum as said town may determine. Said town may sell such securities at public or private sale, or pledge the same for not less than their par value for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Payment of
loan.

SECTION 9. The receipts from payments and assessments and from such annual rates for the use of such sewers as said town may by vote establish, after deducting the expenses, shall be applied, first to the payment of the interest of the bonds, notes or scrip issued under the

authority of this act not otherwise provided for, and the balance shall be set apart to meet the requirements of the sinking fund for the payment or redemption of said bonds, notes or scrip, as provided by section nine of chapter twenty-nine of the Public Statutes. If the receipts in any year are insufficient to pay the interest on said bonds, notes or scrip, and to meet the requirements of law as to said sinking fund, then in such case the town, to meet said deficiency, shall raise forthwith such sum as will, with said net income, be sufficient to meet said requirements. Said sinking fund shall remain inviolate and pledged to the payment and redemption of said bonds, notes or scrip, and shall be used for no other purpose.

SECTION 10. All acts authorized to be done by said town of Andover in taking lands, water rights, rights of way, easements or other real estate, and in constructing, maintaining and repairing sewers and drains, and in extending the same, and in laying assessments on estates adjudged to be benefited by sewers, whether done under the authority of this act or of general laws, shall be done and performed in the name of said town by its board of sewer commissioners.

Certain acts to be performed by sewer commissioners.

SECTION 11. Said town of Andover may at any legal meeting called for the purpose adopt a system of sewerage for the whole or any part of its territory, and may at such meeting determine by vote what proportion of the expense of constructing the same shall be borne by the town. The remaining cost of said system shall be borne by the owners of estates situated within the territory embraced by it and benefited thereby, but no estate shall be deemed to be benefited unless or until a sewer is constructed into which it can be drained. The owners of such estates shall be assessed by said commissioners their proportional parts respectively of such portion of the total cost of said system as is not borne by the town as above-provided; such proportional parts shall be based upon the estimated average cost of all the sewers composing said system and shall be assessed by a fixed uniform rate according to the frontage of such estates on any street or way in which a sewer is constructed, or according to the area of each such estate within a fixed depth from such street or way, or according to both frontage and area; and every such owner shall within three months after written notice of such assessment, served on him or on the occu-

Apportionment of expense, etc.

Provisos.

pant of his estate or sent by mail to the last address of said owner known to said commissioners, pay the sum so assessed to the town treasurer: *provided*, that said board shall, on the written request of any such owner made within said three months, apportion such assessment into such number of equal parts or instalments, not exceeding ten, as such owner shall state in such request, and they shall certify such apportionment to the assessors; interest from the date of said apportionment at the rate of five per cent. per annum shall be added to each of said assessments until they are paid, and one of said parts shall be added by the assessors to the annual tax on such estates for each year next ensuing until all said parts have been so added, unless sooner paid as hereinafter provided; and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments then remaining unpaid, but interest on such balance at the rate of five per cent. per annum shall be paid to the date of such payment; and thereupon the treasurer shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof. In cases of corner lots abutting on more than one sewered street the same area shall not be assessed more than once. No assessment shall be made with respect to any estate until it can be drained by a sewer. When a sewer has been built running through land other than a street no assessment shall be made as to said land abutting on said sewer until that part thereof occupied by the sewer has been laid out as a street.

Assessment to constitute a lien upon estate.

SECTION 12. An assessment made under section eleven shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above-provided, or, in case of apportionment, until the expiration of two years from the time the last instalment is committed to the collector; and said assessment together with interest at the rate of five per cent. per annum may, with incidental costs and expenses, be levied by sale of such estate or so much thereof as shall be sufficient to discharge the assessment and intervening charges, if the assessment is not paid within three months after service of said notice, or, if apportioned, within three months after any part has become due. Such

sale and all proceedings connected therewith shall be conducted in the same manner as sales for the payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes and in the same manner. Such assessment or parts thereof may also be collected by an action of contract in the name of the inhabitants of the town of Andover against the owner of said estate, brought at any time within three years after the same has become due.

May be collected by an action of contract.

SECTION 13. Any person aggrieved by such assessment may, at any time within three months after service of the notice mentioned in section eleven of this act, apply to the superior court for the county of Essex for a jury to revise the same, but before making such application he shall give fourteen days' notice in writing of his intention so to do to the commissioners, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury.

Persons aggrieved may apply for a jury.

SECTION 14. The provisions of chapter fifty of the Public Statutes and of acts in amendment thereof and in addition thereto, pertaining to sewers and drains, not inconsistent with this act, shall apply to the town of Andover in carrying out the provisions of this act.

P. S. 50, etc., to apply.

SECTION 15. The state board of health, upon the application of the board of health or selectmen of the town of North Andover, alleging the existence of a public nuisance or the pollution of the waters adjacent to said town into which the effluent of said sewer of the town of Andover is discharged, to such a degree that the public health of said town of North Andover is endangered, shall appoint a time and place for a public hearing thereon, and give such notice thereof as said state board shall deem proper. After such hearing said state board, if in its judgment there is good reason for such complaint, shall order the town of Andover to abate such nuisance, or to cleanse and purify its sewage, before its effluent is discharged into the waters aforesaid, so that the public health shall not be endangered. Any court having jurisdiction in equity may, upon application of the board of selectmen or board of health of said town of North Andover, enforce the orders of said state board of health in the premises by any proper order or decree.

Abatement of nuisances, etc.

Enforcement of orders of state board of health.

SECTION 16. This act shall take effect upon its passage, but no expenditure shall be made and no liability

When to take effect.

incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of two thirds of the legal voters of the town of Andover present and voting thereon at a legal meeting called for that purpose within three years from the date of its passage.

Approved May 14, 1895.

Chap.387 AN ACT TO AUTHORIZE CERTAIN FOREIGN MANUFACTURING CORPORATIONS TO HOLD REAL ESTATE.

Be it enacted, etc., as follows:

1888, 321, § 1,
amended.

Certain foreign
corporations
may hold real
estate in this
Commonwealth.

SECTION 1. Section one of chapter three hundred and twenty-one of the acts of the year eighteen hundred and eighty-eight is hereby amended by inserting in line two, after the word "states", the words:— or foreign countries,— so as to read as follows:— *Section 1.* Manufacturing corporations established under the laws of other states or foreign countries, which have complied with the provisions of chapter three hundred and thirty of the acts of the year eighteen hundred and eighty-four, may purchase and hold such real estate in this Commonwealth as may be necessary for conducting their business.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1895.

Chap.388 AN ACT RELATIVE TO THE APPROVAL OF SURETIES ON REPLEVIN BONDS.

Be it enacted, etc., as follows:

P. S. 184, § 18,
amended.

How sureties on
replevin bonds
may be
approved.

SECTION 1. Section eighteen of chapter one hundred and eighty-four of the Public Statutes is hereby amended by inserting in the second line, after the word "writing", the words:— by a justice of a police, district, or municipal court,— so as to read as follows:— *Section 18.* Sureties on a replevin bond may be approved by the defendant in writing, by a justice of a police, district, or municipal court, or by a master in chancery, and, when so approved, the officer who serves the writ shall not be responsible for the sufficiency of such sureties.

P. S. 184, § 19,
amended.

Proceedings
when sureties
are to be ap-

SECTION 2. Section nineteen of said chapter is hereby amended by inserting in the second line, after the word "chancery", the words:— or by a justice of a police, district, or municipal court,— so as to read as follows:— *Section 19.* When such sureties are to be approved by a master in chancery, or by a justice of a police, dis-

trict, or municipal court, the officer who serves the writ shall give notice in writing to the defendant or to the person from whose custody the property is taken, stating the time and place of hearing thereon, with the names and places of residence of the persons proposed as sureties, allowing not less than one hour before the time appointed for the hearing, and time for travel at the rate of not less than one day for every twenty-four miles' travel.

proved by
master in
chancery, etc.

Approved May 17, 1895.

AN ACT TO ABATE THE SMOKE NUISANCE IN THE CITY OF BOSTON. *Chap. 389*

Be it enacted, etc., as follows:

SECTION 1. In the city of Boston the emission into the open air of dark smoke or thick gray smoke for more than five minutes continuously, or the emission of such smoke during more than twenty-five per cent. of any continuous period of twelve hours, is hereby declared a nuisance.

Certain emis-
sions of smoke
declared a
nuisance.

SECTION 2. Whoever commits such nuisance, or suffers the same to be committed upon any premises owned or occupied by him, or in any way participates in committing the same, shall be punished by a fine of not less than ten nor more than one hundred dollars for each week during any part of which such nuisance exists.

Penalty.

SECTION 3. The mayor of said city shall, within one month from the passage of this act, designate some proper person from among the officers of said city, who shall be charged with its enforcement. Such designation shall thereafter be made in January of each year, but shall be subject to change at any time.

Enforcement of
provisions.

SECTION 4. The officer so designated may apply to the supreme judicial or superior court, or any justice thereof, for an injunction to restrain the further operation of any steam boiler or boilers which are being operated in such a manner as to create a nuisance under the provisions of this act. And said court or justice may, after hearing the parties, enjoin the further operation of any such boiler or boilers, and may also, if deemed just and necessary, annul any license or permit which may have been granted for the maintenance or operation of the same.

Operation of
certain steam
boilers may be
restrained, etc.

SECTION 5. Chapter three hundred and fifty-three of the acts of the year eighteen hundred and ninety-three is

Repeal.

hereby repealed; but this act shall not affect any act done or prosecution pending at the time when it takes effect.

To take effect
July 1, 1895.

SECTION 6. This act shall take effect on the first day of July in the year eighteen hundred and ninety-five.

Approved May 17, 1895.

Chap. 390 AN ACT TO ESTABLISH AN ASYLUM FOR INSANE CRIMINALS AT BRIDGEWATER AND TO REGULATE COMMITMENTS AND REMOVALS TO THE SAME.

Be it enacted, etc., as follows:

The State Asylum for Insane Criminals established.

SECTION 1. So much of the hospital and almshouse departments of the state farm at Bridgewater as was established for the care and maintenance of insane men, under the provisions of chapter two hundred and nineteen of the acts of the year eighteen hundred and eighty-six, chapter eighty-nine of the resolves of the year eighteen hundred and eighty-eight and chapter forty-eight of the resolves of the year eighteen hundred and ninety-three, shall hereafter be known as The State Asylum for Insane Criminals, and shall be so designated.

Medical director, appointment, etc.

SECTION 2. The superintendent of the state farm, subject to the approval of the trustees, shall appoint a physician as medical director of the said asylum, and shall fix his salary. Said director shall have the care and custody of the inmates of the asylum and shall govern the same in accordance with the rules and regulations approved by the trustees.

Removal to asylum of certain insane persons.

SECTION 3. The insane male persons mentioned in sections ten, twelve and fourteen of chapter two hundred and twenty-two of the Public Statutes and chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-five shall hereafter be removed to said asylum for insane criminals, instead of to a state lunatic hospital.

Criminals may be committed or removed to asylum in certain cases.

SECTION 4. The description of insane male persons mentioned in section fifteen of chapter two hundred and thirteen and sections sixteen, nineteen and twenty of chapter two hundred and fourteen of the Public Statutes may be hereafter committed or removed to the asylum for insane criminals, instead of to a state lunatic hospital as therein provided, when in the opinion of the court said insane persons are criminals or have been vicious in their lives.

SECTION 5. The state board of lunacy and charity is hereby authorized to transfer to and from the state lunatic hospitals and the asylum for insane criminals any of the description of persons mentioned in this act, whenever, in its judgment, such transfer will insure a better classification of insane criminals.

Certain persons may be transferred.

SECTION 6. The insane persons heretofore transferred to said hospital and almshouse departments and held therein in accordance with existing law shall be held in said asylum as though removed thereto under the provisions of this act, and the state board of lunacy and charity may hereafter transfer and commit thereto any inmate of a state lunatic hospital, of the Worcester insane asylum, or of the state farm, of the description of persons mentioned in chapter two hundred and fifty-one of the acts of the year eighteen hundred and ninety-four; and the provisions contained in section two of said chapter, relative to the return of such persons to the prison or other institution to which they were originally committed, shall apply to all persons removed to the asylum for insane criminals under the provisions of this act.

Persons heretofore transferred to be held as though removed under provisions of this act, etc.

SECTION 7. Section twenty-one of chapter two hundred and fourteen of the Public Statutes is hereby amended by inserting after the word "hospital", in the first line, the words:—or to the state asylum for insane criminals,—so as to read as follows:—*Section 21.* Any person committed to a state lunatic hospital or to the state asylum for insane criminals under the preceding section may be discharged therefrom by the governor, by and with the advice and consent of the council, when he is satisfied, after a hearing of the matter, that such person may be discharged without danger to others.

P. S. 214, § 21, amended.

Certain persons may be discharged from asylum, etc., by governor and council.

Approved May 17, 1895.

AN ACT PROVIDING FOR THE CONSOLIDATION OF THE CONGREGATION SHAARAY TEFLA AND THE CONGREGATION MISHKAN ISRAEL.

Chap. 391

Be it enacted, etc., as follows:

SECTION 1. The Congregation Shaaray Tefila and the Congregation Mishkan Israel are authorized to unite and form a single corporation, under the name of the Congregation Mishkan Tefila; and the consolidated corporation shall have all the rights, powers, privileges, duties and liabilities of each of the original corporations, and shall

The Congregation Shaaray Tefila and Congregation Mishkan Israel may consolidate.

further have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in all general laws now applicable to said corporations.

Gifts, bequests,
etc.

SECTION 2. All gifts, grants, bequests and devises heretofore or hereafter made to the Congregation Shaaray Tefila or the Congregation Mishkan Israel, and all property of either and both of said corporations shall, if said corporations unite in accordance with the provisions of this act, vest in said consolidated corporation.

Acceptance of
act.

SECTION 3. Said Congregation Shaaray Tefila and said Congregation Mishkan Israel may accept the provisions of this act at any time within one year from its passage. And upon presentation of proper evidence of such acceptance to the secretary of the Commonwealth he shall issue his certificate that such union is effected, and such union shall take effect on the day of the date of said certificate.

First meeting.

SECTION 4. The first meeting of the consolidated corporation shall be held after the date of said certificate, at a place and time to be fixed by both of said corporations. The consolidated corporations at such first meeting may adopt by-laws and elect its officers.

SECTION 5. This act shall take effect upon its passage.

Approved May 17, 1895.

Chap.392 AN ACT TO AUTHORIZE THE EMPLOYMENT OF AN ASSISTANT BOOK-KEEPER IN THE TREASURY DEPARTMENT.

Be it enacted, etc., as follows:

Assistant
bookkeeper.

SECTION 1. The treasurer and receiver general may employ in his department an assistant bookkeeper, who shall receive an annual salary of twelve hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1895.

Chap.393 AN ACT TO AUTHORIZE THE APPOINTMENT OF AN ASSISTANT CLERK OF THE SUPERIOR COURT, CIVIL SESSION, FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Fifth assistant
clerk.

SECTION 1. The justices of the superior court or a majority of them may appoint a fifth assistant clerk of said court for civil business in the county of Suffolk, who shall be subject to the provisions of law applicable to assistant clerks of courts in said county, and who shall

receive in full for all services performed by him an annual salary of twenty-five hundred dollars, to be paid by said county.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1895.

AN ACT RELATIVE TO FEES IN INSOLVENCY CASES.

Chap. 394

Be it enacted, etc., as follows:

SECTION 1. Whenever a debtor's petition for the institution of voluntary insolvency proceedings is presented to a court of insolvency, it may be received and entered by the register only upon payment to him of a fee of twenty-five dollars.

Fee for receiving, etc., debtor's petition.

SECTION 2. Whenever a creditor's petition is presented to a court of insolvency for the institution of insolvency proceedings against a debtor, it shall be received and entered by the register only upon payment to him of the sum necessary to defray the expense of publishing the notice of the filing of such petition required by law. The warrant to take possession of the debtor's estate shall not issue in such a case until a fee of twenty-five dollars is paid to the register. No proposal by a debtor for composition with his creditors shall be received or entered by the register after the filing of a creditor's petition for involuntary insolvency proceedings, and before the issuing of a warrant thereon, unless a fee of twenty-five dollars is paid therewith to the register.

Receiving, etc., creditor's petition, issuing warrants, etc.

SECTION 3. The register shall render an account on oath of all fees so received during the three months preceding the first day of January, April, July and October in each year, and on or before the tenth day of said months pay over the same to the treasurer of the Commonwealth.

Register to render account of fees received, etc.

SECTION 4. In composition cases in insolvency no fees or compensation shall be payable to the register for giving notices to creditors or for the custody of moneys, vouchers or securities, or for the payment of dividends.

Notices, etc., in composition cases.

SECTION 5. In all cases in a court of insolvency the messenger shall be entitled to the following fees and no more: — First. For service of the warrant, two dollars. Second. For all necessary travel, at the rate of four cents a mile. Third. For each written notice to creditors named in the schedule, ten cents. Fourth. For the custody of property, publication of notices and other services,

Messenger's fees.

his actual expenses, upon returning the same in specific items, and making oath that they have been actually incurred and paid by him, and are just and reasonable. For cause shown, and upon hearing thereon, such further allowance may be made as the court in its discretion may determine.

Privileged claim.

SECTION 6. A creditor who pays the fee of twenty-five dollars or expense of publication provided for in section two, or the legal fees of an officer for the service of the order of notice to the debtor upon the original petition, or for the service of any writ of injunction issued by the court to restrain the transfer or disposition of any part of the debtor's property not by law exempt from attachment, and from any interference therewith, may prove his claim for the same as a privileged claim against the insolvent estate.

Messenger's fees may be proved as privileged claims.

SECTION 7. The legal fees of the messenger may be proved as a privileged claim against the insolvent estate.

Certain claims to have priority of payment.

SECTION 8. Claims proved by a creditor or messenger under sections six and seven shall, in the order stated, have priority of payment out of the estate, over all other claims.

Repeal.

SECTION 9. Sections one hundred and thirty-seven and one hundred and thirty-eight of chapter one hundred and fifty-seven of the Public Statutes, section four of chapter three hundred and fifty-three of the acts of the year eighteen hundred and eighty-five, chapter four hundred and seventeen of the acts of the year eighteen hundred and eighty-nine, and all other acts and parts of acts inconsistent herewith, are hereby repealed, except as to pending cases.

Not to affect pending cases, etc.

SECTION 10. This act shall take effect upon its passage but shall not affect pending cases.

Approved May 17, 1895.

Chap.395 AN ACT TO AUTHORIZE THE TOWN OF METHUEN TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Methuen Water Loan.

SECTION 1. The town of Methuen, for the purpose of extending and completing its system of water works, may issue notes or bonds from time to time as it may deem necessary, to an amount not exceeding twenty-five thousand dollars in addition to the indebtedness already authorized for water purposes. Said notes or bonds shall bear on

their face the words, Methuen Water Loan, shall be payable at the expiration of periods not exceeding thirty years from date of issue, and shall be issued upon the conditions and in the manner set forth in chapter three hundred and ten of the acts of the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any one year shall not exceed four.

When to take effect.

Approved May 17, 1895.

AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRICT POLICE OFFICER. *Chap.396*
Be it enacted, etc., as follows:

SECTION 1. The governor may appoint one additional member of the detective department of the district police force.

Additional district police officer.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1895.

AN ACT MAKING AN APPROPRIATION FOR CONTINUING THE WORK OF EXTERMINATING THE GYPSY MOTH. *Chap.397*

Be it enacted, etc., as follows:

SECTION 1. The sum of one hundred and fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended under the direction of the state board of agriculture for continuing the work of exterminating the gypsy moth, as authorized by chapter eighty-two of the resolves of the present year.

Gypsy moth.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1895.

AN ACT RELATIVE TO THE TERM OF OFFICE OF MEMBERS OF BOARDS OF HEALTH IN TOWNS. *Chap.398*

Be it enacted, etc., as follows:

SECTION 1. In towns which elect a board of health under the provisions of chapter two hundred and eighteen of the acts of the year eighteen hundred and ninety-four,

Boards of health in towns, term of office.

and in which such board is elected on or after the first Monday in April, the term of office of the members so elected shall commence at the date of their election, instead of on the first Monday in April next following their election.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1895.

Chap. 399 AN ACT TO PROVIDE FOR THE COMPLETION OF THE MEDFIELD
INSANE ASYLUM.

Be it enacted, etc., as follows:

Medfield Insane
Asylum Loan.

SECTION 1. To provide for the completion of the Medfield insane asylum at Medfield, authorized by chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-two, or of any acts supplementary thereto, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding three hundred thousand dollars, for a term not exceeding thirty years, the same to be in addition to any amount previously authorized. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of April and October of each year. Said scrip or certificates of indebtedness shall be designated on the face thereof, Medfield Insane Asylum Loan; shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, and principal and interest shall be paid at the time specified therein in gold coin of the United States or its equivalent; and said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other mode and at such times and prices and in such amounts and at such rates of interest, not exceeding the amount above-specified, as shall be deemed for the best interests of the Commonwealth. The treasurer and receiver general shall, upon issuing any of said scrip or certificates of indebtedness, pay into the sinking fund already established any premiums received from the sale of said bonds, and he shall apportion thereto from year to year in addition amounts sufficient with their accumulations to extinguish at maturity the debt incurred by the issue of said bonds.

Disposition of
premiums
received from
sale of bonds,
etc.

The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Certain amount to be raised by taxation.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1895.

AN ACT TO REQUIRE CITIES TO PROVIDE FOR THE TREATMENT OF PERSONS SUFFERING FROM CONTAGIOUS DISEASES IN CERTAIN CASES.

Chap.400

Be it enacted, etc., as follows:

Every city shall provide for the treatment, either in a hospital or as out patients, of indigent persons suffering from contagious or infectious venereal diseases.

Treatment of indigent persons suffering from contagious, etc., diseases.

Approved May 21, 1895.

AN ACT MAKING AN APPROPRIATION FOR THE COMMONWEALTH'S FLATS IMPROVEMENT FUND.

Chap.401

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of continuing the improvements of the Commonwealth's flats at South Boston, as authorized by chapter ninety-three of the acts of the year eighteen hundred and eighty-nine.

Improvements of Commonwealth's flats at South Boston.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1895.

AN ACT TO AUTHORIZE THE SECRETARY OF THE COMMONWEALTH TO EMPLOY ADDITIONAL CLERICAL AND OTHER ASSISTANCE.

Chap.402

Be it enacted, etc., as follows:

SECTION 1. The secretary of the Commonwealth may employ such additional messengers and clerks and other assistance as may be necessary for the despatch of public business: *provided*, that no person so employed shall receive compensation at a rate exceeding twelve hundred dollars a year, excepting the present engrossing clerk and the present corporation clerk, who may each receive a salary of fourteen hundred dollars a year.

Additional messengers, clerks, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1895.

Chap. 403 AN ACT TO AUTHORIZE THE SUPREME COUNCIL AMERICAN LEGION OF HONOR TO HOLD ITS MEETINGS WITHOUT THE COMMONWEALTH.

Be it enacted, etc., as follows:

May hold meetings without the Commonwealth.

SECTION 1. The Supreme Council American Legion of Honor may hold its meetings in any state wherein a council of said corporation is established; and its acts at such meetings shall have the same effect as if done within the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1895.

Chap. 404 AN ACT RELATIVE TO THE APPROVAL OF SURETIES ON BONDS TO DISSOLVE MECHANICS' LIENS.

Be it enacted, etc., as follows:

P. S. 191, § 42, amended.

Mechanics' liens may be dissolved by bonds, etc.

Section forty-two of chapter one hundred and ninety-one of the Public Statutes is hereby amended by inserting in the seventh line, after the word "attorney", the words: — by a justice of a police, district, or municipal court, — so as to read as follows: — *Section 42.* Any person having an interest in property upon which a lien has been claimed pursuant to the provisions of this chapter, may, at any time before final judgment in a suit brought to enforce such lien, release his interest in such property, or in any portion thereof, from such lien, by giving a bond to the party claiming the lien, with sufficient sureties to be approved in writing by such party or his attorney, by a justice of a police, district, or municipal court, or by a master in chancery, and with condition to pay to such party, within thirty days after final judgment in such suit, a sum fixed as the value of the property or interest so released, or so much of such sum as may be necessary to satisfy any amount for which such property or interest may be found to be subject to such lien in such suit. If the parties interested do not agree as to the value of the property or interest to be released, such value may be fixed in the same manner and subject to the same provisions and regulations as are provided in sections one hundred and twenty-six and one hundred and twenty-seven of chapter one hundred and sixty-one for fixing the value of property released from attachment.

Approved May 21, 1895.

AN ACT TO AUTHORIZE THE BROOKLINE GAS LIGHT COMPANY TO
LAY ITS PIPES TO AND ACROSS FORT POINT CHANNEL. *Chap.405*

Be it enacted, etc., as follows:

SECTION 1. The Brookline Gas Light Company is hereby authorized to lay and maintain its gas pipes and such siphons and other structures as are necessary to cover or carry the same to and across Fort Point channel under or by the side of Dover street bridge in the city of Boston, subject to the provisions of chapter nineteen of the Public Statutes and acts in amendment thereof and in addition thereto.

May lay pipes,
etc., across Fort
Point channel,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1895.

AN ACT TO PROVIDE FOR A SYSTEM OF SEWAGE DISPOSAL FOR THE
NEPONSET RIVER VALLEY. *Chap.406*

Be it enacted, etc., as follows:

SECTION 1. The board of metropolitan sewerage commissioners, constituted under the authority of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine shall, for the purpose of constructing, maintaining and operating a system of sewage disposal for the city of Boston and the towns of Dedham, Hyde Park and Milton, construct, maintain and operate such main sewers and other works as said board shall deem necessary for carrying out said purposes, in accordance with such plans as the said board or a majority thereof may approve and adopt, subject to the approval of the state board of health, may take by purchase or otherwise and use as part of said main sewers the sewer or part of sewer now or hereafter built by the city of Boston between Granite bridge, so-called, and Central avenue, in the Dorchester district of said Boston. Said board, for the purposes aforesaid, may make all contracts necessary for the construction of the sewers and works aforesaid, and may, where deemed advisable, carry on said construction by day labor.

Metropolitan
sewerage com-
missioners to
construct a
system of
sewage disposal
for city of
Boston and
certain towns.

SECTION 2. Said board may, for the purposes aforesaid, carry and conduct any sewer by it to be made and constructed under or over any water course, or any street, turnpike road, railroad, highway or other way in such manner as not unnecessarily to obstruct or impede travel

May carry
sewers under or
over streets,
etc.

thereon; and may enter upon and dig up any such road, street or way for the purpose of laying sewers beneath the surface thereof and for maintaining and repairing the same; and in general may do any other acts and things necessary or convenient and proper for the purposes of this act. In entering upon or in digging up any such road, street or way used for public travel said board shall be subject to such reasonable regulations as may be made by the mayor and aldermen or selectmen of the city and towns respectively wherein such works are performed.

Streets, etc., to
be restored to
good order, etc.

SECTION 3. Whenever said board digs up any road, street or way, as aforesaid, it shall, so far as practicable, restore the same to as good order and condition as the same was in when such digging was commenced. And the Commonwealth shall at all times indemnify and save harmless the several cities and towns within which such roads, streets or ways are situated, against all damages which may be recovered against them respectively, and shall reimburse them for all expenses which they shall incur by reason of any defect or want of repair in any road, street or way caused by the construction of any of said sewers, or by the maintaining or repairing of the same: *provided*, that said board shall have reasonable notice of all claims for such damages or injury and opportunity to make a legal defence thereto.

Proviso.

May change
direction of any
water course,
etc.

SECTION 4. Said board may also alter or change the course or direction of any water course, or may, with the consent of the mayor and aldermen of cities or selectmen of towns, alter or change the location or grade of any highway, town way, public street or way of travel crossed by any sewers constructed under the provisions of this act, or in which such sewers may be located.

May take cer-
tain lands,
water courses,
etc.

SECTION 5. Said board, acting in behalf of the Commonwealth, may take by purchase or otherwise any lands in fee and any rights or easements in lands, water courses or ways that it deems necessary to carry out the purposes of this act, and to take any such land, right or easement in any manner other than by purchase, or to take any sewer or part of a sewer as hereinbefore provided, shall cause to be recorded in the registry of deeds for the county and district in which such lands, rights, easements or sewer or part of a sewer lie, a statement signed by said board describing the same as certainly as is required in a common conveyance of land, and stating that the same

are taken for the purposes of this act, and the lands, rights, easements or sewer or part of a sewer so described shall vest in the Commonwealth.

SECTION 6. The Commonwealth shall pay, in the manner hereinafter described, all damages sustained by any person or corporation by any such taking. And if said board and such person or corporation cannot agree as to the amount so to be paid, either said board or said person or corporation may petition the superior court of the county in which the property taken or injured is situated for a jury to determine said damages; and thereupon the same proceedings shall be had as provided in case of applications for a jury by persons dissatisfied with the damages awarded for land taken for the laying out of highways in the city of Boston: *provided*, that no such application for a jury shall be made after the expiration of two years from the date of such taking.

Damages.

Proviso.

SECTION 7. Said board may cause the sewage from its said main sewer to be discharged into the sewerage system of the city of Boston, and if so shall pay therefor such compensation as shall be agreed upon by the engineer of said board and the city engineer of the city of Boston; and if they cannot agree upon such compensation then the same shall be determined by an arbitrator to be appointed by any justice of the supreme judicial court sitting in equity in the county of Suffolk, and the award of said arbitrator made and accepted by said court shall be final and conclusive for such term of years as shall be agreed upon by said parties, or shall be ordered by said arbitrator and approved by said court.

Sewage may be discharged into sewerage system of city of Boston, etc.

SECTION 8. Said board shall at all times keep for said system full, accurate and separate accounts of its receipts, expenditures, disbursements, assets and liabilities, and shall include an abstract of the same in its annual report to the general court.

Accounts of receipts and expenditures, etc.

SECTION 9. The city and towns aforesaid shall connect their local sewers with such main sewers, subject to the direction and control of said board, and any person or corporation may, subject to the direction and control of said board and on such terms, conditions and regulations as the city or town may prescribe, connect private drains with said main sewers, and for the purpose of making such connections, the city or town may extend its sewers across the Neponset river in such manner as the board of

Connection of local sewers with main sewers, etc.

harbor and land commissioners may approve, and shall, in respect to all work and structures in tide water, be subject to the provisions of chapter nineteen of the Public Statutes, and of all acts in amendment thereof or in addition thereto, so far as the same are applicable.

Penalty for
destruction of
property, etc.

SECTION 10. Whoever wilfully or maliciously destroys or injures any sewer or other property held or used by said board under the authority and for the purposes of this act, shall forfeit and pay to the Commonwealth three times the amount of the damages assessed therefor, to be recovered in any proper action; and upon conviction of either of the above wilful or malicious acts shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the house of correction not exceeding one year, or by both such fine and imprisonment.

May dispose
of certain
property.

SECTION 11. Said board may from time to time, and at public or private sale as they may deem best, dispose of any property, real or personal, no longer needed for the construction, maintenance or operation of the sewers authorized by this chapter: *provided, however*, that such sale shall not impair the maintenance and operation of said sewers.

Proviso.

Conveyance of
certain real
estate.

SECTION 12. Real estate so sold may be conveyed, subject to such easements, reservations and restrictions as said board may deem necessary to secure the maintenance, renewal and operation of said sewers, by deed duly executed by said commissioners on behalf of the Commonwealth with or without warranty.

Proceeds of
sales.

SECTION 13. The net proceeds of such sales, after deducting all necessary expenses incurred thereby, shall be paid into the treasury of the Commonwealth and shall be credited to and form a part of the fund to be used in construction or maintenance of said sewers.

Certain money
to be applied to
payment of
interest.

SECTION 14. Any money which may be collected or received by the treasurer and receiver general of the Commonwealth from checks deposited with said board by bidders for work, and by said board declared forfeited, and any sums collected or received by said treasurer and receiver general for breach of any contract made with said board, shall be applied to the payment of interest upon the loan issued under the authority of this act.

Metropolitan
Sewerage Loan.

SECTION 15. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council,

issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding five hundred thousand dollars, for a term not exceeding forty years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on the face thereof, Metropolitan Sewerage Loan; shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at a public auction, or in such other mode, and at such times and prices, and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver general with the approval of the governor and council shall deem for the best interest of the Commonwealth. The treasurer and receiver general shall on issuing any of said scrip or certificates of debt establish a sinking fund and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. But in such apportionment of a sinking fund the assessment shall be at the rate of one eightieth part of the whole amount in each of the first ten years, one sixtieth part in each of the second ten years, one thirtieth part in each of the third ten years, and the remainder equally divided in the next ten years. Any premium realized in the sale of said scrip or said certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Metropolitan
Sewerage Loan.

Sinking fund.

SECTION 16. The supreme judicial court sitting in equity shall, on the application of said board, after notice to the city and each of the towns hereinbefore named, appoint three commissioners, who shall not be residents of the city or of any of the towns mentioned in this act, who shall, after due notice and hearing, and in such manner as they shall deem just and equitable, determine for said system the proportion in which the city and each of the towns hereinbefore named shall annually pay money into the treasury of the Commonwealth for the term of five

Appointment of
commissioners
to determine
proportion to
be paid by city
and towns,
etc.

years next following the year of the first issue of said scrip or certificates, to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, and to meet the cost of maintenance and operation of said system for each of said years, as estimated by the said board and certified to said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer. In making their award the commissioners may take into consideration the amount of the use of the sewers by said city or towns respectively, the population and valuation thereof, and also the extent, if any, to which said main sewers relieve the city or towns respectively of the necessity of constructing local sewers at their own charge, and any other considerations as may seem to them just and equitable, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

To be appointed
every five years,
etc.

SECTION 17. Before the expiration of said term of five years, and every five years thereafter, other commissioners, who shall not be residents of the city or of any of the towns mentioned in this act, shall be appointed as aforesaid, who shall in the manner above-prescribed determine the proportion in which said city and each of said towns in said system shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Amount
required from
city and towns
to be estimated
by treasurer,
etc.

SECTION 18. The amount of money required each year from said city and each of said towns to meet the interest, sinking fund requirements and cost aforesaid for each year and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax; and said treasurer shall in each year notify such city and each of said towns of the amount of such assessment, which amount shall be paid by the city or town into the treasury

of the Commonwealth at the time required for the payment and as a part of its state tax.

SECTION 19. Until the completion of the system of sewerage provided for in this chapter the clerk of the board of metropolitan sewerage commissioners, or such other person as said board may designate, may have advanced to him from the money in the treasury of the Commonwealth received from the loan hereinbefore authorized, such sums, not exceeding ten thousand dollars at any time, as the auditor may certify to be necessary to enable said board to make direct payment upon its pay rolls and other accounts. The person so designated by said board shall give a bond with sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars.

Certain sums of money may be advanced, etc.

SECTION 20. As soon as may be after expending such advance, and in any case within thirty days from the receipt thereof, the officer who has received money of the Commonwealth under the provisions of the preceding section shall file with the said auditor a statement in detail of the sums expended subsequent to the previous accounting, approved by said board, and, where it is practicable to obtain them, receipts or other like vouchers of the persons to whom the payments have been made.

Statement of expenditures to be filed.

SECTION 21. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

Enforcement of provisions, etc.

SECTION 22. This act shall take effect upon its passage.

Approved May 24, 1895.

AN ACT TO AUTHORIZE AN APPROPRIATION BY THE CITY OF LOWELL FOR THE COMMEMORATION OF MEMORIAL DAY.

Chap. 407

Be it enacted, etc., as follows:

SECTION 1. The board of mayor and aldermen of the city of Lowell may appropriate a sum of money not exceeding eight hundred dollars, for the commemoration of Memorial day in the present year, and the city treasurer may borrow upon the credit of the city an amount not exceeding the amount appropriated for said purpose.

Commemoration of Memorial day in city of Lowell.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1895.

Chap. 408 AN ACT TO PROVIDE FOR CERTAIN SCHOOLHOUSES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Construction,
etc., of school
buildings in city
of Boston.

SECTION 1. The school committee of the city of Boston shall have full power and control of the design, construction, erection and furnishing of all school buildings, and are hereby authorized to select and employ an architect or architects to design said buildings and to supervise the construction and erection thereof; but no work upon any building shall be commenced until full general plans of such building shall have been prepared, and no specific work shall be commenced until the same shall have been duly advertised, proposals for such work shall have been received from responsible parties, and contracts shall have been entered into, with satisfactory guarantees for their performance: *provided, however,* that no contract made under this act shall be valid unless approved by the mayor.

Proviso.

Street commis-
sioners to take
certain lands for
school purposes,
etc.

SECTION 2. The board of street commissioners of said city, at the request of the school committee, shall take by purchase or otherwise such lands for school purposes as said school committee with the approval of the mayor shall designate, and to take any lands under the right of eminent domain, shall sign and cause to be recorded in the registry of deeds for the county of Suffolk a statement containing a description thereof as certain as is required in a common conveyance of land, and stating that the same are taken for school purposes; and upon the recording of any such statement the lands described therein shall be taken in fee for said city.

Damages.

SECTION 3. Said city shall pay all damages sustained by any person in his property by any taking as aforesaid, the same to be determined by agreement between said board and person, and if they cannot agree said board or person may within one year after the date of the taking file in the office of the clerk of the superior court for the county of Suffolk a petition for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages so sustained shall be determined by a jury in said court, in the same manner as damages for lands taken for highways in said city are determined, and costs shall be taxed and execution be issued in favor of the prevailing party as in civil cases.

SECTION 4. The city treasurer of said city, to pay the expenses incurred for the lands taken and the building and furnishing of schoolhouses as aforesaid, shall from time to time on the request of said school committee issue and sell negotiable bonds of said city to an amount not exceeding five hundred thousand dollars in the current year, which shall be outside of the debt limit, and five hundred thousand dollars in the year eighteen hundred and ninety-six and four hundred thousand dollars in each of the three following years, which shall all be within the debt limit.

City treasurer to issue bonds, etc.

SECTION 5. Said bonds shall bear interest payable semi-annually on the first days of January and July of each year; shall be registered or with interest coupons attached, be sold and disposed of in such manner and at such times and prices and in such amounts and at such rates of interest, not exceeding four per cent. per annum, and for such terms not less than thirty nor more than forty years, as the treasurer with the approval of the mayor shall from time to time determine.

Interest on bonds, etc.

SECTION 6. Said treasurer shall hold the proceeds of said bonds in the treasury of said city and pay therefrom the expenses for said lands and schoolhouses: *provided, however,* that he shall pay over to the board of commissioners of sinking funds of said city any premiums received by him in the sale of said bonds, and said commissioners shall place all amounts so paid by said treasurer in a sinking fund for the payment of the bonds hereby authorized.

Proceeds of bonds.

Proviso.

SECTION 7. This act shall take effect upon its passage.

Approved May 24, 1895.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE REGISTRY OF DEEDS BUILDING AT CAMBRIDGE.

Chap. 409

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Middlesex, for the purpose of completing the registry of deeds building at Cambridge, may incur an expense not exceeding three hundred thousand dollars in addition to the amount authorized by chapter three hundred and sixty of the acts of the year eighteen hundred and ninety-four; and said commissioners shall make no contracts calling for a larger expenditure in the aggregate for said purpose than the amount herein authorized to be expended.

May incur additional expense.

Plans, etc., to be approved by board.

SECTION 2. No contracts shall be made for the construction and furnishing of said building until plans and estimates in detail have been prepared and submitted to a board, to consist of the judges of probate for the county of Middlesex and the register of deeds for the southern district of said county, and approved by such board. And such approval shall not be given unless said board is satisfied that the cost of the building and its furnishings, ready for use, will not exceed the amount herein authorized to be expended.

Proposals for work.

SECTION 3. The county commissioners, after said plans have been so approved, shall advertise for proposals for said work. Such advertisements shall be published in at least two daily newspapers published in the city of Boston for at least two weeks successively prior to the time specified therein for opening said proposals. The contracts for said work shall be awarded to the lowest responsible bidder.

County commissioners may issue bonds, etc.

SECTION 4. In order to meet the expense incurred under this act the county commissioners may issue coupon or registered bonds of said county to an amount not exceeding in the aggregate three hundred thousand dollars: *provided*, that the amount of bonds issued for said purpose during the year eighteen hundred and ninety-five shall not exceed one hundred thousand dollars. Before issuing any such bonds said commissioners shall advertise for proposals for the amount to be issued, in two daily newspapers published in the city of Boston, and the bonds shall be sold to the highest bidder. The indebtedness so incurred by said county shall be paid out of amounts received for taxes, at the rate of ten thousand dollars each year, commencing with the year eighteen hundred and ninety-six, until the whole indebtedness is paid.

Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved May 24, 1895.

Chap. 410

AN ACT RELATIVE TO LEGISLATIVE COUNSEL AND AGENTS.

Be it enacted, etc., as follows:

Certain legislative agents to file written authorization to act.

Legislative agents, not attorneys at law, who are required by section one of chapter four hundred and fifty-six of the acts of the year eighteen hundred and ninety or acts in amendment thereof or in addition thereto to have their names entered upon the legislative docket, shall file

with the sergeant-at-arms, at the time such entry is made, a written authorization to act as such agent, signed by the person or corporation for whom they claim to act. Any such legislative agent failing so to do shall be subject to the penalties imposed upon persons acting as legislative counsel or agents in violation of the provisions of said chapter four hundred and fifty-six.

Approved May 25, 1895.

AN ACT RELATIVE TO THE TAKING OF FISH IN SHERMAN POND IN
THE TOWN OF BRIMFIELD.

Chap.411

Be it enacted, etc., as follows:

SECTION 1. The town of Brimfield may, by vote in town meeting, make regulations specifying the times when fish may be taken in Sherman pond in said town, and affix penalties for the violation of said regulations not exceeding twenty dollars for any one offence. Said regulations, when approved by the commissioners of inland fisheries and game and recorded in the office of the clerk of said town, shall be in full force and effect for a period of ten years from the passage of this act, and binding on all persons for such period and no longer, but shall be void unless so approved and recorded.

Taking of fish in Sherman pond may be regulated.

SECTION 2. Except as provided in the preceding section the general laws of the Commonwealth relative to the taking of fish shall apply to the taking of fish in the waters of said pond.

Certain laws to apply.

Approved May 25, 1895.

AN ACT RELATIVE TO THE REGISTRATION OF PHYSICIANS AND
SURGEONS.

Chap.412

Be it enacted, etc., as follows:

Section ten of chapter four hundred and fifty-eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the third line, after the word "Commonwealth", the words "by appending", and inserting in place thereof the words:—or appends,—also by striking out in the fourth line, the word "using", and inserting in place thereof the word:—uses,—so as to read as follows:—*Section 10.* Whoever not being registered as aforesaid shall advertise or hold himself out to the public as a physician or surgeon in this Commonwealth, or appends to his name the letters "M.D.", or uses the title of doctor, meaning thereby a doctor of medi-

1894, 458, § 10, amended.

Penalty for unlawfully advertising, etc., as a physician or surgeon, etc.

cine, shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offence, or by imprisonment in jail for three months, or both.

Approved May 25, 1895.

Chap. 413 AN ACT TO AUTHORIZE THE WORCESTER, NASHUA AND ROCHESTER RAILROAD COMPANY TO ISSUE BONDS FOR THE PURPOSE OF FUNDING A PORTION OF ITS FLOATING DEBT.

Be it enacted, etc., as follows :

May issue mortgage bonds, etc.

SECTION 1. The Worcester, Nashua and Rochester Railroad Company is hereby authorized, subject to the approval of the railroad commissioners, to issue bonds for the purpose of funding its present floating debt, to an amount not exceeding at any time the sum of two hundred thousand dollars, payable in such manner as may be determined by the directors, and at any time not exceeding forty years from their dates, with interest payable semi-annually, and to secure the same by a first mortgage to trustees upon that part of its railroad lying between its terminus in the city of Nashua and its terminus in the city of Rochester in the state of New Hampshire ; but no bonds shall be issued by said corporation except in accordance with the laws of the Commonwealth relating to the issues of bonds by railroad corporations.

Savings banks, etc., may invest in bonds.

SECTION 2. Savings banks and institutions for savings in the Commonwealth may invest in bonds of the Worcester, Nashua and Rochester Railroad Company issued and secured as provided in section one of this act.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1895.

Chap. 414 AN ACT TO AUTHORIZE THE CITY OF NORTHAMPTON TO ACCEPT A GIFT OF CERTAIN REAL ESTATE.

Be it enacted, etc., as follows :

May take and hold certain real estate.

SECTION 1. The city of Northampton is hereby authorized and empowered to take and hold the real estate in said city conveyed to it by Edward H. R. Lyman by his deed of gift dated the third day of November in the year eighteen hundred and ninety-two, and recorded in Hampshire county registry of deeds, book four hundred and fifty-seven, pages twenty-one to twenty-five, inclusive, and known as the Academy of Music, according to the purposes and subject to the conditions set forth in said

conveyance. And the vote of the city council of said city in the month of February in the year eighteen hundred and ninety-three accepting said gift is hereby ratified and confirmed and shall be deemed a sufficient acceptance thereof by said city.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Northampton. The vote on such acceptance shall be a yea and nay vote and shall be approved by the mayor.

When to take effect.

Approved May 27, 1895.

AN ACT TO REGULATE BANKING HOURS ON SATURDAYS WHICH ARE NOT HOLIDAYS.

Chap. 415

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter seventy-seven of the Public Statutes is hereby amended by inserting at the end of the fourth line, the words: — except that when such next succeeding business day is a Saturday which is not a holiday according to law, the time for such decision shall expire on such Saturday at twelve o'clock noon, — so as to read as follows: — *Section 17.* A person upon whom a bill of exchange or draft, which requires acceptance, is drawn, shall have until two o'clock in the afternoon of the business day next succeeding the first presentation thereof in which to decide whether or not he will accept the same, except that when such next succeeding business day is a Saturday which is not a holiday according to law, the time for such decision shall expire on such Saturday at twelve o'clock noon; but every bill of exchange or draft, which is for cause held over one day, shall when accepted date from the day of presentation.

P. S. 77, § 17, amended.

Acceptance of bills of exchange, etc.

SECTION 2. All bills of exchange, drafts, bank checks and promissory notes which are liable to be protested for non-acceptance or non-payment at twelve o'clock noon on any Saturday which is not a holiday according to law, may be protested for non-acceptance or non-payment, as the case may be, on any such Saturday at any time after twelve o'clock noon, or on the next succeeding secular or business day.

Protest of certain bills of exchange, etc.

SECTION 3. All bills of exchange, drafts and promissory notes, except those payable on demand, which would otherwise be payable on any Saturday not a holiday ac-

When certain bills of exchange, etc., shall be payable.

ording to law, shall be deemed to be and shall be payable on the next succeeding secular or business day.

When to take effect.

SECTION 4. This act shall take effect on the first day of June in the year eighteen hundred and ninety-five and shall apply only to bills of exchange, drafts, bank checks and promissory notes made after it takes effect.

Approved May 28, 1895.

Chap. 416 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit : —

Additional clerical assistance.

For additional clerical assistance in the office of the register of probate and insolvency for the county of Essex, as authorized by chapter one hundred and seventy-four of the acts of the present year, a sum not exceeding fifteen hundred dollars.

First deputy controller of county accounts.

For the salary of the first deputy controller of county accounts, as authorized by chapter one hundred and seventy-five of the acts of the present year, the sum of two hundred and twenty-five dollars, the same to be in addition to the amounts appropriated for the salaries of the deputies of the controller of county accounts, authorized by chapter fifty of the acts of the present year.

Boundary lines between Melrose and Stoneham, and Lexington and Waltham.

For expenses in connection with locating and defining the boundary lines between the towns of Melrose and Stoneham, and the town of Lexington and the city of Waltham, as authorized by chapters one hundred and eighty-two and two hundred and twenty-nine of the acts of the present year, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the determination of boundary lines of cities and towns by the commissioners on the topographical survey.

Doorkeepers, etc., of senate and house.

For the compensation of the doorkeepers, assistant doorkeepers, postmaster, messenger and pages of the senate and house of representatives, as authorized by chapter

one hundred and ninety-three of the acts of the present year, a sum not exceeding thirty-seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

For the payment by the Commonwealth of tuition of children attending school outside the town in which they reside, as authorized by chapter two hundred and twelve of the acts of the present year, a sum not exceeding five thousand dollars.

Tuition of certain children.

For assistants, experts, chemists, agents and other necessary expenses of the state dairy bureau, as authorized by chapter two hundred and fourteen of the acts of the present year, a sum not exceeding three thousand dollars, the same to be in addition to the four thousand dollars appropriated by chapter fifteen of the acts of the present year.

Dairy bureau.

For authorized expenses of the committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars, the same to be in addition to any amounts heretofore appropriated for the same purpose.

Legislative committees.

For printing and binding two thousand additional copies of the blue book, so-called, in addition to the number now required to be printed, as authorized by chapter two hundred and fifty of the acts of the present year, a sum not exceeding nine hundred and seventy-five dollars.

Blue book.

For expenses in connection with the organization of the new state normal schools, provided for by chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-four, as authorized by chapter two hundred and fifty-eight of the acts of the present year, a sum not exceeding six thousand dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, and the excess, if any, from the treasury of the Commonwealth, the same to be in addition to the amount appropriated for the support of state normal schools by chapter forty-one of the acts of the present year.

New state normal schools.

For the salary of the legacy tax clerk in the office of the treasurer and receiver general, as authorized by chapter two hundred and seventy-six of the acts of the present year, a sum not exceeding thirteen hundred dollars.

Legacy tax clerk.

For the salary of the sergeant-at-arms, as authorized by chapter two hundred and eighty-four of the acts of the present year, a sum not exceeding five hundred dollars,

Sergeant-at-arms.

the same to be in addition to the amount appropriated by chapter one of the acts of the present year.

Docks, wharves,
etc. For expenses in connection with an investigation of the wants of the port of Boston for an improved system of docks and wharves and terminal facilities, as authorized by chapter two hundred and ninety-one of the acts of the present year, a sum not exceeding twenty thousand dollars.

Report of
board of registra-
tion in medi-
cine. For printing extra copies of the report of the board of registration in medicine, as authorized by chapter forty-six of the resolves of the present year, a sum not exceeding one hundred dollars.

School attend-
ance and
truancy. For expenses in connection with an investigation by the state board of education into the subject of school attendance and truancy, as authorized by chapter forty-seven of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Codification of
certain statutes. For the codification of certain statutes which the board of registration in pharmacy is required to enforce, as authorized by chapter forty-eight of the resolves of the present year, a sum not exceeding two hundred dollars.

Robert J. Ferris. For Robert J. Ferris, as authorized by chapter fifty of the resolves of the present year, the sum of seventy-five dollars.

Portraits of
former govern-
ors. For expenses in completing the collection of portraits of former governors, as authorized by chapter fifty-four of the resolves of the present year, a sum not exceeding one thousand dollars.

State farm at
Bridgewater. For certain repairs and improvements at the state farm in Bridgewater, as authorized by chapter fifty-five of the resolves of the present year, a sum not exceeding forty-four thousand dollars.

State almshouse
at Tewksbury. For certain repairs and improvements at the state almshouse at Tewksbury, as authorized by chapter fifty-six of the resolves of the present year, a sum not exceeding sixty-seven thousand three hundred dollars.

Taunton lunatic
hospital. For certain repairs and improvements at the Taunton lunatic hospital, as authorized by chapter fifty-seven of the resolves of the present year, a sum not exceeding twenty thousand five hundred dollars.

Westborough
insane hospital. For repairs and improvements at the Westborough insane hospital, as authorized by chapter fifty-eight of the resolves of the present year, a sum not exceeding twelve thousand two hundred and fifty dollars.

For building a gymnasium for the state normal school at Worcester, as authorized by chapter fifty-nine of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

State normal school at Worcester.

For the city of Fitchburg, as authorized by chapter sixty of the resolves of the present year, the sum of eight hundred dollars.

City of Fitchburg.

For printing the report of the joint board on the improvement of Charles river, made to the legislature of the year eighteen hundred and ninety-four, as authorized by chapter sixty-one of the resolves of the present year, a sum not exceeding thirteen hundred and fifty dollars.

Report on improvement of Charles river.

For printing and distributing the Massachusetts military and naval history, as authorized by chapter sixty-two of the resolves of the present year, a sum not exceeding seven thousand dollars.

Military and naval history.

For printing fifteen hundred extra copies of the sixth annual report of the metropolitan sewerage commissioners, as authorized by chapter sixty-four of the resolves of the present year, a sum not exceeding five hundred and sixty dollars.

Report of metropolitan sewerage commissioners.

For painting the representation of the codfish and suspending the same in the chamber of the house of representatives, as authorized by chapter sixty-five of the resolves of the present year, a sum not exceeding one hundred dollars.

Painting representation of codfish, etc.

For Sophia H. Coleman, as authorized by chapter sixty-six of the resolves of the present year, the sum of two hundred and fifty dollars.

Sophia H. Coleman.

For the protection of the town of Agawam against further encroachment of the Connecticut river, as authorized by chapter sixty-seven of the resolves of the present year, a sum not exceeding three thousand dollars.

Encroachment of Connecticut river on town of Agawam.

For enlarging the workshops at the Massachusetts hospital for dipsomaniacs and inebriates, as authorized by chapter sixty-nine of the resolves of the present year, a sum not exceeding three thousand five hundred dollars.

Hospital for dipsomaniacs and inebriates.

For the publication of the report of the committee appointed to prepare the history of the codfish suspended in the chamber of the house of representatives, as authorized by chapter seventy-one of the resolves of the present year, a sum not exceeding one thousand dollars.

History of the codfish in house of representatives.

For certain repairs and improvements at the hospital cottages for children at Baldwinville, as authorized by

Hospital cottages for children.

chapter seventy-two of the resolves of the present year, a sum not exceeding twelve thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1895.

Chap.417 AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

May incur indebtedness, issue bonds, etc.

SECTION 1. The city of Newburyport, for the purpose of purchasing or acquiring lands for the location of school-houses and for the purpose of erecting and furnishing schoolhouses, may incur indebtedness to the amount of ten thousand dollars, by the issuing of bonds or certificates of indebtedness, payable in five years from the date of their issue, and bearing interest payable semi-annually at a rate not exceeding four per cent. per annum.

Not to be considered in determining debt limit.

SECTION 2. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the city of Newburyport under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof.

P. S. 29, etc., to apply.

SECTION 3. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds or certificates of indebtedness and to the establishment of a sinking fund for the payment thereof at maturity.

Approved May 29, 1895.

Chap.418 AN ACT RELATIVE TO THE INSPECTION OF STEAM BOILERS.

Be it enacted, etc., as follows:

Location of certain steam boilers to be reported.

SECTION 1. It shall be the duty of every corporation, firm or individual, owning or using, or causing to be used, within this Commonwealth, a steam boiler or boilers (excepting boilers upon locomotives, boilers in private residences, boilers under the jurisdiction of the United States, boilers that are under the periodically guaranteed inspection of companies that have complied with all the laws of this Commonwealth, boilers used exclusively for agricultural, horticultural and creamery purposes, or boilers of less than three horse power), within sixty days after the passage of this act, and annually thereafter, to report to the

chief of the district police the location of such steam boiler or boilers.

SECTION 2. Each of the boilers designated in section one shall be inspected by the inspector of boilers for the district in which said boiler or boilers is located, as thoroughly as in the judgment of the inspector is necessary, and if the inspector so directs, it shall be the duty of the owner or user to have the boiler or boilers blown off dry, and the man-hole and the hand-hole covers thereon removed, ready for inspection upon the day designated by the inspector, the inspector giving the owner or user of said boiler or boilers fourteen days' notice in writing of the day upon which he will make such internal inspection, provided that such inspection shall not be required oftener than twice a year.

Inspection of certain steam boilers.

SECTION 3. If upon examination said inspector shall find the boiler inspected to be worthy and in safe working order, with the fittings necessary to safety, and properly set up, he shall grant to the owner or user of such boiler or boilers a certificate of inspection, and upon receipt of such certificate said owner or user shall be permitted to use the boiler or boilers mentioned in the certificate. And if in said inspection the inspector shall find that the boiler is not in safe condition, or not provided with fittings necessary to safety, or with fittings not properly arranged, he shall withhold his certificate until the boiler and fittings are put in condition satisfactory to him; and it shall be unlawful for any owner or user to then operate or cause to be operated such steam boiler until the inspector has granted his certificate, and the owner or user operating such boiler without said certificate may be enjoined from such use, in a proceeding to be had before the superior court or the supreme judicial court, at the instance of the inspector, with the approval of the chief of the district police; and upon the filing of a petition therefor any judge or justice of the court in which said proceeding is pending may issue a temporary injunction or restraining order, as provided in proceedings in equity.

Certificate of inspection.

Certificate may be withheld in certain cases.

SECTION 4. If upon such inspection the inspector finds that the owner or user of any steam boiler is putting too much pressure upon the same the inspector shall have the power to fix the maximum pressure to be allowed to be carried by said boiler, and shall adopt, and the owner or user shall place or cause to be placed upon said boiler,

Inspector may fix maximum pressure to be carried by certain boilers.

such device as the inspector shall deem expedient to prevent the boiler from carrying any greater than the maximum pressure designated, said device to be approved by the chief of the district police; and no person shall in any manner tamper with such device, or load the safety valve to a greater pressure than that allowed by the inspector, as hereinbefore provided.

Fee for inspection.

SECTION 5. The owner or user of a boiler or boilers coming under the provisions of this act shall pay to the inspector at each inspection the sum of two dollars for each boiler inspected. All sums paid as aforesaid shall be paid over by him monthly to the treasurer of the Commonwealth.

Enforcement of act.

SECTION 6. The chief of the district police is hereby authorized to adopt such rules and regulations, to be approved by the governor, as may be necessary to properly enforce this act.

Penalty.

SECTION 7. All persons violating any of the provisions of this act shall upon conviction be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both, at the discretion of the court.

Additional district police may be appointed.

SECTION 8. The governor is hereby authorized to appoint three additional members to the inspection department of the district police qualified to perform the duties required by this act, who shall each receive an annual salary of fifteen hundred dollars and their actual travelling and necessary expenses.

SECTION 9. This act shall take effect upon its passage.

Approved May 29, 1895.

Chap. 419

AN ACT RELATIVE TO GAMING.

Be it enacted, etc., as follows:

Terms defined.

SECTION 1. In all statutes the words "gaming", "illegal gaming", or "unlawful gaming", respectively, shall be held to comprehend every act punishable under any law relating to lotteries, policy lotteries or policy, the buying and selling of pools, or registering of bets, as well as all other acts comprehended in said words respectively.

Evidence of existence and unlawful character of lotteries.

SECTION 2. Any court, and any magistrate having criminal jurisdiction, may take judicial notice of the general methods and character of lotteries, policy lotteries, or the game called policy, pools or combination bets, and

the buying and selling of pools, and registering of bets. In the trial of any complaint or indictment to which it may be relevant, any lottery, policy or pool ticket, certificate, slip or check, manifold or other policy or pool book or sheet, or memorandum of any pool or sale of pools, or of a bet or odds, or combination bet, or any other implement, apparatus, materials or articles of a character commonly employed in or in connection with lotteries, policy lotteries or policy, the buying or selling of pools or registering of bets, or other form of gaming, shall be prima facie evidence of the existence and unlawful character of a lottery, policy lottery or game, pool or pools, bet, game or hazard, or other form of gaming in which like articles are commonly used, and that such article has relation thereto.

SECTION 3. All lottery, policy or pool tickets, slips or checks, memoranda of any combination or other bet, manifold or other policy or pool books or sheets, are hereby declared a common nuisance and the possession thereof unlawful; and the possession of any such article, or of any other implements, apparatus or materials of any form of gaming, shall be prima facie evidence of their use by the person having them in possession, in the form of gaming in which like articles are commonly used. Any such article found upon the person of one who is lawfully arrested for violation of any law relating to lotteries, policy lotteries or policy, the buying or selling of pools or registering of bets or other form of gaming, shall be competent evidence upon the trial of any complaint or indictment to which it may be relevant. If a person so arrested in any building or structure or part thereof conceals or attempts to conceal such articles upon his person or elsewhere, the possession and concealment or attempt at concealment thereof shall be prima facie evidence that the place in which the same occurs is kept, maintained, used or occupied for the form of gaming in which like articles are commonly used.

Possession of lottery, policy or pool tickets, etc., unlawful, etc.

Concealment, etc., of certain articles by persons arrested.

SECTION 4. In any prosecution or proceeding under any law relating to lotteries, policy lotteries or policy, buying and selling pools or registering bets, any words, figures or characters, written, printed or exposed upon any blackboard, placard or otherwise, in any place alleged to be used or occupied for such business, purporting or appearing to be a name or names of horses or jockeys, or

Evidence of existence of race, game, etc.

a description of or reference to a trial or contest of skill, speed or endurance of man, beast, bird or machine, or game, competition, political nomination, appointment or election, or other act or event, or any odds, bet, combination bet or other stake or wager, or any code, cipher or substitute therefor, shall be prima facie evidence of the existence of the race, game, contest or other act or event so purporting or appearing to be referred to, and that such place is kept or occupied for gaming; and in all cases the same may be proved by a copy or by oral description thereof.

Penalty for delivery or transportation of certain parcels, etc.

SECTION 5. Whoever receives any letter, package or parcel for delivery or transportation to or from any person, or delivers or transports the same to or from any person, having reasonable cause to believe that such person is engaged or in any way concerned in the management or promotion of or agency for a lottery, or the game known as policy lottery or policy, or the buying or selling of pools or registering of bets, or other form of gaming, and that such letter, package or parcel has relation to such business, shall be punished by fine of not less than fifty nor more than five hundred dollars: *provided, however*, that this section shall not apply to the receipt, carriage or delivery of United States mail matter by any officer or employee thereof.

Proviso.

Plea of misnomer not to be received, etc.

SECTION 6. No plea of misnomer shall be received to a complaint or indictment for violation of any law relating to lotteries, policy lotteries or policy, the selling of pools or registering of bets, or any form of gaming; but the defendant may be arraigned and tried, and if convicted, sentenced and punished, under any name by which he is complained of or indicted. No such complaint or indictment shall be abated, quashed or held insufficient by reason of any alleged defect, either of form or substance, if the same is sufficient to enable the defendant to understand the charge and to prepare his defence. No variance between such complaint or indictment and the evidence shall be deemed material, unless in some matter of substance essential to the charge under the rule above-prescribed.

1892, 409, § 1, amended.

SECTION 7. Section one of chapter four hundred and nine of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the eighth line, after the word "value", the words "to be drawn", by

inserting in the ninth line, after the words “or policy”, the words: — whether drawn or determined, or remaining to be drawn or determined, or who receives from any person any money or other thing of value for such article or chance, — by striking out in the tenth line, after the word “sells”, the word “or”, by inserting in the fifteenth line, after the words “or policy”, the words: — whether drawn or to be drawn, — by inserting in the seventeenth line, after the word “by”, the words: — imprisonment not exceeding one year, or in the discretion of the court by, — by striking out in the seventeenth, eighteenth and nineteenth lines, the words “or imprisonment in the house of correction not exceeding one year”, so as to read as follows: — *Section 1.* Whoever keeps, sets up, promotes, or is concerned as owner, agent, clerk or in any other manner, in managing any policy lottery or policy shop, or writes, prints, sells, transfers or delivers, any ticket, certificate, slip, bill, token or other device, purporting or designed to guarantee or assure to any person, or to entitle any person to a chance of drawing or obtaining any prize or thing of value in any lottery or in the game or device commonly known as policy lottery or policy, whether drawn or determined, or remaining to be drawn or determined, or who receives from any person any money or other thing of value for such article or chance; or for himself or another person, writes, prints, sells, transfers or delivers, or has in his possession for the purpose of sale, transfer or delivery, or in any way aids in selling, exchanging, negotiating, transferring or delivering a chance or ticket in any lottery, or in the game or device commonly known as policy lottery or policy, whether drawn or to be drawn, or any such bill, slip, certificate, token or other device, shall be punished by imprisonment not exceeding one year, or in the discretion of the court by fine not exceeding five hundred dollars.

Penalty for keeping, etc., policy lotteries, etc.

SECTION 8. Section two of said chapter four hundred and nine is hereby amended by inserting in the first line, after the word “printing”, the word: — writing, — by inserting in the second line, after the word “or”, the words: — other article or, — by striking out in the third line, after the word “or”, the word “an”, and inserting in place thereof the words: — any chance or, — by striking out in the fourth line, after the word “in”, the word “a”, and inserting in place thereof the word: — any, —

1892, 409, § 2, amended.

by inserting in said fourth line, after the words “policy lottery”, the words:—or policy game, pool or pools, registered or other bet or other,—by inserting in said fourth line, after the word “hazard”, the words:—whether drawn or determined, or remaining to be drawn or determined, or the receiving of any money or other thing of value for such article or chance,—by inserting in the sixth line, after the words “policy lottery”, the words:—or policy game, and of the act or event upon which such pool or pools, bet,—and by inserting in said sixth line, after the word “hazard”, the words:—depends or may depend, and of the unlawful character of such lottery, policy lottery, pool, bet, game or hazard,—by inserting in the seventh line, after the word “such”, the word:—ticket,—by striking out in said seventh line, after the word “paper”, the word “ticket”, by inserting in the eighth line, after the word “or”, the words:—other article or,—by striking out all of said section after the word “corporation”, in the tenth line, and inserting in place thereof the words:—issuing or delivering the same, or aiding or abetting therein, and that such person or persons, company or corporation, is concerned in keeping, managing or promoting such lottery, pool, bet, game or hazard,—so as to read as follows:—*Section 2.* The printing, writing, advertising, issuing or delivery of any ticket, paper, document or other article or material representing or purporting to represent the existence of or any chance or interest in any lottery, policy lottery or policy game, pool or pools, registered or other bet or other game or hazard, whether drawn or determined, or remaining to be drawn or determined, or the receiving of any money or other thing of value for such article or chance, shall be prima facie evidence of the existence, location and drawing of such lottery, policy lottery or policy game and of the act or event upon which such pool or pools, bet, game or hazard, depends or may depend, and of the unlawful character of such lottery, policy lottery, pool, bet, game or hazard, and the issuing or delivery of such ticket, paper, document or other article or material shall be prima facie evidence of value received therefor by the person or persons, company or corporation issuing or delivering the same, or aiding or abetting therein, and that such person or persons, company or corporation, is concerned in keeping, managing or promoting such lottery, pool, bet, game or hazard.

Printing, etc., of
certain tickets,
etc., to be prima
facie evidence,
etc.

SECTION 9. If a person makes oath before a trial justice, or police, district or municipal court that he suspects or has probable cause to suspect that a house or other building, room or place is unlawfully used as and for a common gaming house, for the purpose of gaming for money or other property, or is occupied, used or kept for promoting a lottery, or for the sale of lottery tickets, or for promoting the game known as policy lottery or policy, or for the buying or selling of pools or registering of bets upon any race, game, contest, act or event, and that persons resort to the same for any such purpose, such trial justice or court, whether the names of the persons last mentioned are known to the complainant or not, shall, in case satisfactory evidence is presented, issue a warrant commanding the sheriff or his deputy or any constable or police officer to enter into such house, building, room or place, and to arrest the keepers thereof, and all persons in any way assisting in keeping the same, whether as janitor, doorkeeper, watchman or otherwise, and all persons who are there found participating in any form of gaming, and all persons present, whether so participating or not, if any lottery, policy or pool tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus or materials of any form of gaming are found in said place, and to take into their custody all the implements, apparatus or materials of gaming as aforesaid, and all the personal property, furniture and fixtures there found, and to keep said persons, implements, apparatus or materials, property, furniture and fixtures so that they may be forthcoming before some court or magistrate, to be dealt with according to law. Every such keeper or person assisting, and every person found so playing or so present, shall be punished by imprisonment not exceeding three months, or in the discretion of the court by fine not exceeding fifty dollars; and all articles and property seized hereunder shall be disposed of as provided by chapter four hundred and ten of the acts of the year eighteen hundred and ninety-four; but nothing in this section shall authorize the arrest or conviction of any person or persons who are owners or proprietors of any race track or trotting course for the reason that some person other than themselves has, without their knowledge or consent, violated any provision of this section in relation to the buying or selling of pools or the registering or making of bets or any other offence mentioned in this section; nor the arrest or conviction of any

Common gaming houses, etc., to be entered and certain persons arrested.

Penalty, etc.

Proviso.

1887, 380, § 1,
amended.

Abatement, etc.,
of common
nuisances.

P. S. 99, § 1,
amended.

Persons may
sue for and
recover money,
etc., lost by
gaming, etc.

person or persons for being present on any race track or trotting course where pools are sold or bets registered or made on trials of speed or endurance between horses or other animals: *provided*, that all persons in any way participating or assisting in the buying or selling of pools, or registering of bets, upon any race track or trotting course, shall be liable to the penalties of this section.

SECTION 10. Section one of chapter three hundred and eighty of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting in the fourth line, after the words "petition of", the words:—the board of police, or police commissioners, or other authority having control of the police, or of, — so as to read as follows:—
Section 1. The supreme judicial court and superior court shall have jurisdiction in equity upon information filed by the district attorney for the district or upon the petition of the board of police, or police commissioners, or other authority having control of the police, or of not less than ten legal voters of any town or city setting forth the fact that any building, place or tenement therein is resorted to for prostitution, lewdness or illegal gaming, or is used for the illegal keeping or sale of intoxicating liquors, to restrain, enjoin or abate the same as a common nuisance, and an injunction for such purpose may be issued by any justice of either of said courts.

SECTION 11. Section one of chapter ninety-nine of the Public Statutes is hereby amended by inserting in the fourth line, after the word "winner", the words:—or who pays or delivers any money or other thing of value to any other person for or in consideration of any lottery, policy or pool ticket, certificate, check or slip, or for or in consideration of any chance of drawing or obtaining any money, prize or other thing of value in any lottery or policy game, pool or combination, or other bet,—by striking out in the sixth line, after the word "if", the words "the loser", and inserting in place thereof the word:—he,—and by inserting in said sixth line, after the word "loss", the words:—payment or delivery,—so as to read as follows:—
Section 1. Whoever by playing at cards, dice, or other game, or by betting on the sides or hands of such as are gaming, loses to any person so playing or betting any sum of money or any goods whatever, and pays or delivers the same or any part thereof to the winner, or who pays or delivers any money

or other thing of value to any other person for or in consideration of any lottery, policy or pool ticket, certificate, check or slip, or for or in consideration of any chance of drawing or obtaining any money, prize or other thing of value in any lottery or policy game, pool or combination, or other bet, may sue for and recover such money and goods in an action of contract; and if he does not within three months after such loss, payment or delivery, without covin or collusion, prosecute with effect for such money or goods, any other person may sue for and recover treble the value thereof in an action of tort.

SECTION 12. Section two of chapter ninety-nine of the Public Statutes is hereby amended by striking out in the second line, after the word "lost", the words "by gaming", and inserting in place thereof the words: — paid or delivered in any form of gaming referred to in the preceding section, — and by inserting in the fifth line, after the word "winner", the words: — or receiver, — so as to read as follows: — *Section 2.* The owner, tenant, or occupant of a house or building in which money or goods are lost, paid or delivered in any form of gaming referred to in the preceding section, or by betting on the sides or hands of such as are gaming, with the knowledge or consent of said owner, occupant, or tenant, shall be liable to an action in the same manner and to the same extent as the winner or receiver thereof is liable by the provisions of the preceding section.

P. S. 99, § 2,
amended.

Owners, etc., of
gaming houses
liable for money,
etc., lost in
certain cases.

SECTION 13. Every offence defined in sections one, two, three, five, nine and ten of chapter two hundred and nine of the Public Statutes or amendments thereof, relating to lotteries, and in section eight of chapter ninety-nine of the Public Statutes as amended by section one of chapter three hundred and forty-two of the acts of the year eighteen hundred and eighty-five, relating to the buying and selling of pools and registering of bets, shall be punished by imprisonment not exceeding one year, or in the discretion of the court by fine not exceeding two thousand dollars.

Penalty for cer-
tain offences.

SECTION 14. Section ten of chapter ninety-nine of the Public Statutes and section two of chapter four hundred and forty-eight of the acts of the year eighteen hundred and eighty-seven are hereby repealed.

Repeal.

SECTION 15. This act shall not affect or apply to any act done or prosecution or other proceeding pending at the time when it takes effect.

Not to affect
proceedings
pending, etc.

Approved May 29, 1895.

*Chap.*420 AN ACT RELATIVE TO THE SALE OF ELECTRICITY FOR HEATING
AND COOKING.

Be it enacted, etc., as follows:

Certain corporations, etc., may sell electricity for heating and cooking.

SECTION 1. In any city or town where a person or corporation, not a railway company, is lawfully engaged in the business of transmitting electricity for lighting or power, through wires legally located on poles over, or in conduits under, the streets and highways of this Commonwealth, said person or corporation may sell such electricity for operating heating, cooking and kindred apparatus, and motors, upon such terms as may be agreed upon. But this act shall not be construed as conferring upon any person or corporation the exclusive right to sell or distribute electricity in any city or town for operating heating, cooking and kindred apparatus, or motors.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1895.

*Chap.*421 AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE DIRECTOR
OF THE HATCH EXPERIMENT STATION.

Be it enacted, etc., as follows:

Director of Hatch experiment station, powers and duties.

SECTION 1. The director of the Hatch experiment station of the Massachusetts agricultural college shall hereafter have and exercise the powers and duties granted to and imposed upon the director of the Massachusetts agricultural experiment station by chapter two hundred and ninety-six of the acts of the year eighteen hundred and eighty-eight.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1895.

*Chap.*422 AN ACT RELATIVE TO THE BOARD OF OVERSEERS OF THE POOR OF
THE CITY OF SALEM.

Be it enacted, etc., as follows:

Overseers of the poor, city of Salem, powers and duties.

SECTION 1. The board of overseers of the poor of the city of Salem shall consist of five persons, together with the mayor who shall be ex officio a member of and chairman of said board; and said board shall have all the powers and be subject to all the duties and liabilities provided by law.

SECTION 2. In the month of September in the year eighteen hundred and ninety-five the city council of said city shall elect by concurrent vote of both branches thereof three members of said board, one to serve until the first Monday of February in the year eighteen hundred and ninety-six, one to serve until the first Monday of February in the year eighteen hundred and ninety-seven and one to serve until the first Monday of February in the year eighteen hundred and ninety-eight, and until their successors are elected and qualified, and one member of each branch of said city council to serve as a member of said board for the remainder of the term for which he was elected to said city council and until his successor in said office of overseer is elected and qualified; and thereafter said city council shall annually, in the month of January, by concurrent vote, elect one member of said board for the term of three years from the first Monday of February in the year in which he is chosen; said members so elected, with the mayor and one member of the board of aldermen and one member of the common council elected in January in each year by concurrent vote of both branches of the city council to serve until the expiration of the term for which he was elected to said city council and until his successor in said office of overseer is elected and qualified, shall constitute the board of overseers of the poor of the city of Salem.

Election, terms, etc.

SECTION 3. Chapter one hundred and eighty-one of the acts of the year eighteen hundred and fifty-nine is hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved May 29, 1895.

AN ACT TO AUTHORIZE THE NEWTON AND BOSTON STREET RAILWAY COMPANY TO LEASE OR PURCHASE THE NEWTONVILLE AND WATERTOWN STREET RAILWAY.

Chap. 423

Be it enacted, etc., as follows:

SECTION 1. The Newton and Boston Street Railway Company is hereby authorized to lease or purchase the railway, franchise, property, rights and easements of the Newtonville and Watertown Street Railway Company; and the Newtonville and Watertown Street Railway Company is hereby authorized to lease or sell and convey the same to the Newton and Boston Street Railway Company,

May purchase franchise, etc., of certain street railway company.

which latter company shall, upon such lease or conveyance, and in accordance with the terms thereof, have and enjoy the powers and privileges, and be subject to the duties, liabilities and restrictions of the said Newtonville and Watertown Street Railway Company: *provided, however*, that no such lease or purchase and sale shall be valid or binding until the terms thereof have been agreed to by a majority of the directors of each of said companies, and by a majority in interest of their respective stockholders at meetings duly called for the purpose, and approved in the manner provided by law.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1895.

Chap. 424 AN ACT PROVIDING FOR THE PAYMENT OF THE SALARIES OF ASSISTANT DISTRICT ATTORNEYS FROM THE TREASURY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Salaries of
assistant district
attorneys.
Repeal.

SECTION 1. The salaries of assistant district attorneys shall be paid from the treasury of the Commonwealth.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 29, 1895.

Chap. 425 AN ACT TO PREVENT FRAUDULENT IMPERSONATION OF VOTERS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Preparation of
voting lists in
city of Boston,
etc.

SECTION 1. The registrars of voters for the city of Boston shall, from the names entered in the annual register of voters, prepare voting lists for the special use of the election officers at the several elections to be held therein. They shall prepare the same by precincts, and they shall place opposite the name of each male voter, arranged alphabetically, his residence on the preceding first day of May, together with his age and date of registration. There shall be a blank space opposite each name on said list and every person upon applying to vote shall be required to write his name in said blank space, upon request of any election officer. A voter who, when so requested, refuses to write his name as aforesaid shall, before voting, be required to obtain from the registrars of voters a certificate

of his right to vote: *provided, however*, that the provisions of this act shall not be construed to apply to any person exempt under the constitution or amendments thereof. Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1895.

AN ACT RELATIVE TO CROSSINGS OF RAILROADS AND STREET RAILWAYS AT GRADE. Chap. 426

Be it enacted, etc., as follows:

SECTION 1. No street railway shall hereafter be constructed across the tracks of any railroad at the same level therewith without the consent of the railroad commissioners, or of a board of special commissioners appointed as hereinafter provided, nor shall any railroad hereafter be constructed across the tracks of any street railway without such consent. Not to be constructed across tracks at grade without consent.

SECTION 2. The corporation desiring to construct a street railway across the tracks of a railroad or a railroad across the tracks of a street railway at the same level shall have the right to elect whether the right so to cross shall be decided by the railroad commissioners or by a board of special commissioners, and upon such election its right to apply to the other board shall cease. If it elects a board of special commissioners it may apply by petition to the superior court for the county in which the proposed crossing is situated, or some justice thereof, in term time or vacation, and thereupon such court or justice, after notice to all parties in interest and a hearing, shall appoint a commission of three disinterested persons who, after hearing the parties, shall determine whether the public convenience and safety reasonably require a crossing on the same level at the place prayed for, and if so, how the same shall be constructed, and shall make return thereof to the court within thirty days after the close of the hearing; and such return, when accepted by the court, shall be final between the parties. Compensation shall be allowed and paid to said special commissioners in like manner as in the case of auditors or referees who are appointed by the supreme judicial court. Right to cross to be decided by railroad or special commissioners.
Special commissioners, appointment, etc.
Compensation.

SECTION 3. This act shall not affect any case where permission has been granted prior to the passage of this act for a street railway to cross a railroad: *provided*, said street railway shall be actually constructed across said Certain crossings not affected.
Proviso.

Proviso.

railroad within twelve months after the passage of this act; and *provided, further*, that the foregoing proviso shall not affect any case in which the street railway is in process of actual construction at the time of the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 29, 1895.

Chap. 427

AN ACT RELATIVE TO MARRIAGE AND THE LEGITIMACY OF CHILDREN.

Be it enacted, etc., as follows:

Certain marriages to be deemed legal, etc.

Where a marriage contract has been entered into with due legal ceremony and the parties thereafter live together as husband and wife; and where at the time of such marriage ceremony a former husband or wife of one of the parties was living, and the former marriage with such person was still in force; and where such subsequent marriage contract was entered into by at least one of the parties in good faith, in the full belief that the former husband or wife was dead, or that such former marriage had been annulled by divorce; or without knowledge on the part of one of them of such former marriage; and where the impediment to such subsequent marriage existing by reason of the former marriage is removed by the death of the other party to the former marriage, or by a proper decree of divorce, and the parties to such subsequent marriage then continue living together as husband and wife in good faith, on the part of at least one of them, they shall be taken and deemed to have been legally married from and after the removal of such impediment, and the issue of such subsequent marriage shall be deemed to be the legitimate issue of both parents.

Approved May 29, 1895.

Chap. 428

AN ACT RELATIVE TO CHILDREN IN THE CARE OF THE STATE.

Be it enacted, etc., as follows:

State primary school abolished.

SECTION 1. The state primary school at Monson shall on the first Monday in July in the year eighteen hundred and ninety-five cease to exist.

Trustees of the Lyman and Industrial Schools established.

SECTION 2. The trustees of the state primary and reform schools shall hereafter be known as the Trustees of the Lyman and Industrial Schools, and shall retain all their present trusts, rights, powers and duties, except so

far as the same may be affected by the state primary school ceasing to exist.

SECTION 3. The trustees of the Lyman and industrial schools shall have the power to release on probation, and, with or without indenture, to place any of the children in their custody in their usual homes, or in any situation or family which has been investigated and approved in a manner satisfactory to said trustees and in accordance with existing laws; and said trustees may employ agents for investigating places and for visiting children, and immediately on placing such children shall furnish the state board of lunacy and charity with the name of each child so placed, and the name and residence of the person to whose care such child is intrusted.

Powers and duties.

SECTION 4. The custody of all children committed to the Lyman school for boys, or to the state industrial school for girls, shall be and remain with said trustees; and said trustees may at any time, until the expiration of the commitment, resume the personal care and possession of children released on probation or previously transferred to the state primary school, and may recall them to the school to which they were originally committed; and all children committed to either the Lyman or the state industrial schools shall be committed until they attain respectively the age of twenty-one years.

Custody of certain children, etc.

SECTION 5. This act shall take effect on the first Monday in July in the year eighteen hundred and ninety-five.

When to take effect.

Approved May 29, 1895.

AN ACT RELATIVE TO PHYSICIANS' CERTIFICATES FOR THE COMMITMENT OF INSANE PERSONS. Chap. 429

Be it enacted, etc., as follows:

SECTION 1. No person shall be committed to a lunatic hospital, asylum or other receptacle for the insane, unless, in addition to the oral testimony given, there has been filed with the judge hearing the complaint or other proceedings for the commitment of the person alleged to be insane, the certificate of two physicians certifying to such person's insanity, made in accordance with the provisions of section one of chapter two hundred and eighty-six of the acts of the present year.

Commitment of insane persons.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1895.

*Chap.*430 AN ACT RELATIVE TO TAXES ON COLLATERAL LEGACIES AND SUCCESSIONS.

Be it enacted, etc., as follows:

1891, 425, § 4,
amended.

Payment of
taxes on col-
lateral legacies
and succes-
sions.

Proviso.

SECTION 1. Section four of chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out all of said section after the word "Commonwealth", in the eighteenth line, —so as to read as follows: — *Section 4.* All taxes imposed by this act shall be payable to the treasurer of the Commonwealth by the executors, administrators or trustees, at the expiration of two years from the date of their giving bond: *provided*, that whenever legacies or distributive shares are paid within the two years, the taxes thereon shall be payable at the time the same are paid. In cases however where the probate court has ordered the executor or administrator to retain funds to satisfy a claim of a creditor, whose right of action for which does not accrue within the two years, the payment of the tax may be suspended by an order of the court to await the disposition of such claim. If the taxes are not paid when due, interest at the rate of six per centum per annum shall be charged and collected from the time the same became due; and the taxes and interest that may accrue on the same shall be and remain a lien on the property subject to the taxes till the same are paid to the Commonwealth.

1891, 425, § 9,
amended.

Inventory to be
filed within
three months.

Penalty.

SECTION 2. Section nine of said chapter four hundred and twenty-five is hereby amended by striking out in the ninth line, the word "shall", and inserting in place thereof the words: — may, when in his judgment the interests of the Commonwealth require, — and by adding at the end thereof the following words: — and it shall be the duty of the several registers of probate to notify the treasurer of the Commonwealth, within thirty days of the expiration of the said three months, of any such neglect or refusal which may occur in their respective counties, — so as to read as follows: — *Section 9.* An inventory of every estate, any part of which may be subject to a tax under the provisions of this act, shall be filed by the executor, administrator or trustee, within three months from his appointment and qualification. In case such executor, administrator or trustee neglects or refuses to file such inventory as above-required, he shall be liable to a pen-

alty of not more than one thousand dollars, and the treasurer of the Commonwealth may, when in his judgment the interests of the Commonwealth require, commence in his own name appropriate proceeding against such executor, administrator or trustee for the recovery of such penalty; and it shall be the duty of the several registers of probate to notify the treasurer of the Commonwealth, within thirty days of the expiration of the said three months, of any such neglect or refusal which may occur in their respective counties.

SECTION 3. This act shall take effect upon its passage.

Approved May 29, 1895.

AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE COMMISSIONERS OF PRISONS.

Chap.431

Be it enacted, etc., as follows:

SECTION 1. The commissioners of prisons may expend for clerical assistance a sum not exceeding three hundred dollars a year in addition to the amount which they are now authorized by law to expend for that purpose.

Clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1895.

AN ACT RELATIVE TO THE LIMITATION OF ACTIONS BY AND AGAINST ASSIGNEES IN INSOLVENCY.

Chap.432

Be it enacted, etc., as follows:

SECTION 1. No assignee of an insolvent estate shall commence or be made a party to any action, suit or other proceeding, either at law or in equity, touching any property or right to property, legal or equitable, unless the same is brought within six years from the time when the same might have been brought; but no such action, suit or other proceeding, unless barred by provisions of law other than this statute, shall be barred before the expiration of one year from the passage of this act.

Limitation of certain proceedings in insolvency.

SECTION 2. Section eleven of chapter one hundred and ninety-seven of the Public Statutes shall apply to all actions, suits or other proceedings mentioned in section one.

P. S. 197, § 11, to apply.

SECTION 3. This act shall take effect upon its passage.

Approved May 29, 1895.

Chap.433 AN ACT TO AUTHORIZE THE TOWN OF HYDE PARK TO INCUR INDEBTEDNESS FOR PARK PURPOSES.

Be it enacted, etc., as follows :

May incur indebtedness,
issue bonds, etc.

SECTION 1. The town of Hyde Park, for the purpose of purchasing land in the vicinity of high rock for park purposes and for improvements thereon, may borrow twenty-one thousand dollars, and may issue bonds therefor payable in thirty equal annual instalments, the first instalment to become due on the first day of May in the year eighteen hundred and ninety-six. The bonds shall be dated the first day of May in the year eighteen hundred and ninety-five, shall bear interest at the rate of four per cent. per annum, payable semi-annually on the first days of November and May of each year, and shall be in denominations of five hundred dollars and one hundred dollars each, but the provisions of chapter twenty-nine of the Public Statutes and acts in amendment thereof shall otherwise apply to such indebtedness.

Vote of town confirmed.

SECTION 2. The vote of the town of Hyde Park, passed on the twenty-eighth day of March in the year eighteen hundred and ninety-five, authorizing the treasurer of said town to borrow twenty-one thousand dollars for the park purposes named in section one of this act is hereby confirmed and declared legal and valid.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by a majority vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within one year from its passage.

Approved May 29, 1895.

Chap.434 AN ACT TO REGULATE THE OBSERVANCE OF THE LORD'S DAY.

Be it enacted, etc., as follows :

Penalty for being present at certain entertainments, etc., on the Lord's day.

SECTION 1. Whoever is present at a game, sport, play or public diversion, except a concert of sacred music, or an entertainment given by a religious or charitable society the proceeds of which, if any, are to be devoted exclusively to a charitable or religious purpose, upon the Lord's day, shall be punished by fine not exceeding five dollars for each offence.

Penalty for doing certain business, etc.

SECTION 2. Whoever on the Lord's day keeps open his shop, warehouse or workhouse, or does any manner of labor, business or work, except works of necessity and

charity, or takes part in any sport, game or play, or public diversion, except a concert of sacred music, or an entertainment given by a religious or charitable society the proceeds of which, if any, are to be devoted exclusively to a charitable or religious purpose, shall be punished by fine not exceeding fifty dollars for each offence, and the proprietor, manager or person in charge of such game, sport, play or public diversion, other than such concert of sacred music, or an entertainment given by a religious or charitable society the proceeds of which, if any, are to be devoted exclusively to a charitable or religious purpose, shall be punished by fine not less than fifty and not exceeding five hundred dollars for each offence; but nothing in this section shall be held to prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the telegraph or the telephone, nor the retail sale of drugs and medicines, nor articles ordered by the prescription of a physician, nor mechanical appliances used by physicians or surgeons, nor the letting of horses and carriages, nor the letting of yachts and boats, nor the running of steam ferry boats on established routes, or of street railway cars, nor the preparation, printing and publishing of newspapers, nor the sale and delivery of newspapers, nor the wholesale or retail sale and delivery of milk, nor the transportation of milk, nor the making of butter and cheese, nor the keeping open of public bath houses, nor the making or selling by bakers or their employees of bread or other food usually dealt in by them, before ten o'clock in the morning and between the hours of four o'clock and half past six o'clock in the evening. Whoever conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall not be liable to the penalties of this section for performing secular business and labor on the Lord's day, if he disturbs no other person.

Certain manufacturing, etc., not prohibited.

Certain persons not liable for performing labor, etc.

SECTION 3. Section one hundred and fifteen of chapter one hundred and two of the Public Statutes is hereby amended by adding at the end thereof the words: — *provided, however*, that they shall not grant a license for any such theatrical exhibitions, public shows, public amusements or exhibitions of any description whatsoever to be

P. S. 102, § 115, amended.

Certain exhibitions, etc., may be licensed.

held upon the Lord's day, — so as to read as follows: —

Section 115. The mayor and aldermen of a city or the selectmen of a town may, except as provided in section nine of chapter forty-eight, license theatrical exhibitions, public shows, public amusements, and exhibitions of every description, to which admission is obtained upon payment of money or the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, upon such terms and conditions as they deem reasonable: and they may revoke or suspend the same at their pleasure: *provided, however,* that they shall not grant a license for any such theatrical exhibitions, public shows, public amusements or exhibitions of any description whatsoever to be held upon the Lord's day.

Proviso.

Certain entertainments not prohibited.

SECTION 4. Nothing in the preceding sections shall be held to prohibit the giving, being present at or taking part in a concert of sacred music, or an entertainment given by a religious or charitable society the proceeds of which, if any, are to be devoted exclusively to a charitable or religious purpose, upon the Lord's day, or a free open air concert given by a city or town, or by license of the mayor and aldermen of a city or the selectmen of a town, upon a common, public park, street or square.

Repeal.

SECTION 5. Sections one and two of chapter ninety-eight of the Public Statutes, sections one and two of chapter three hundred and ninety-one of the acts of the year eighteen hundred and eighty-seven, chapter forty-one of the acts of the year eighteen hundred and ninety-three and chapter three hundred and fifty-three of the acts of the year eighteen hundred and ninety-four are hereby repealed.

Certain licenses revoked.

SECTION 6. All licenses for any public entertainment or entertainments to be held upon the Lord's day, or now in existence or in force for that purpose, are hereby revoked and cancelled.

Approved May 29, 1895.

Chap. 435

AN ACT RELATIVE TO THE ESTABLISHMENT OF A NEW FERRY LANDING IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

To establish a new ferry landing.

SECTION 1. The city of Boston shall establish a new ferry landing for the accommodation of the East Boston ferries, at some point in Boston proper north of the southern boundary of Fort Hill wharf, and shall construct suitable slips, landings and head houses for the same, and

shall provide such other accommodations for the improvement of transit between Boston and East Boston as the city council may determine.

SECTION 2. For the purpose of carrying out the provisions of this act the city of Boston is hereby authorized to borrow, beyond the limit fixed by law, the sum of five hundred thousand dollars, and the treasurer of said city shall from time to time issue and sell at public or private sale bonds, registered or with interest coupons attached, as he may deem best, in the name and behalf of said city, to an amount not exceeding the sum above-specified.

May incur indebtedness, issue bonds, etc.

SECTION 3. This act shall take effect when accepted by the city council of the city of Boston.

When to take effect.

[The foregoing was laid before the Governor on the twenty-fourth day of May, 1895, and after five days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.]

AN ACT AUTHORIZING PERSONS QUALIFIED TO VOTE FOR MEMBERS OF SCHOOL COMMITTEES TO VOTE AT THE NEXT STATE ELECTION UPON THE QUESTION OF GRANTING MUNICIPAL SUFFRAGE TO WOMEN.

Chap. 436

Be it enacted, etc., as follows:

SECTION 1. All persons qualified to vote for school committee shall, at the next state election, have an opportunity to express their opinion by voting "Yes", or "No", in answer to the following question: Is it expedient that municipal suffrage be granted to women?

Question of granting municipal suffrage to women.

SECTION 2. Equal opportunity shall be given to men and women to register prior to said election.

Registration.

SECTION 3. The secretary of the Commonwealth shall, prior to said election, cause to be placed on the official ballot the following words: Is it expedient that municipal suffrage be granted to women? And shall also cause other ballots to be prepared for women voters, having thereon the same words.

Ballot.

YES.
NO.

SECTION 4. Ballots prepared as above-provided shall be furnished by the secretary of the Commonwealth to cities and towns in the same manner that ballots are furnished for use in elections of state officers, and the ballots shall be counted and returned in the same manner as ballots for the election of state officers, except that the votes of men and women shall be returned separately.

Secretary of the Commonwealth to furnish ballots.

Subject to 1893,
417, etc.

SECTION 5. This act shall be subject to the provisions of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto, so far as the same are applicable.

Approved May 31, 1895.

Chap.437 AN ACT RELATIVE TO THE RECORD OF EXECUTIONS LEVIED UPON
REAL ESTATE.

Be it enacted, etc., as follows :

P. S. 172, § 22,
amended.

Section twenty-two of chapter one hundred and seventy-two of the Public Statutes is hereby amended by inserting in the fourth line, after the word “same”, the words :— and such clerk, court or trial justice shall forthwith record such execution and certificate in books of record to be provided and kept by them for that purpose, — also by inserting after the word “and”, in said line, the words :— such officer, — so as to read as follows :— *Section 22.* The officer shall return the execution, with a certificate of his doings indorsed thereon, into the clerk’s office or court to which it is returnable, or, if it was issued by a trial justice, to the justice who issued the same, and such clerk, court or trial justice shall forthwith record such execution and certificate in books of record to be provided and kept by them for that purpose ; and such officer shall also, within three months after the levy is completed, cause the execution and return to be recorded in the registry of deeds for the county or district in which the land lies.

Officer to re-
turn and record
execution.

Approved May 31, 1895.

Chap.438 AN ACT RELATIVE TO THE WEEKLY PAYMENT OF WAGES.

Be it enacted, etc., as follows :

Weekly pay-
ment of wages
by persons or
partnerships.

SECTION 1. Sections fifty-one to fifty-four, inclusive, of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four, relative to the weekly payment of wages by corporations, shall apply to any person or partnership engaged in this Commonwealth in any manufacturing business and having more than twenty-five employees. And the word “corporation”, as used in said sections, shall include such persons and partnerships.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1895.

AN ACT TO AUTHORIZE THE TOWN OF NORTH BROOKFIELD TO INCREASE ITS WATER INDEBTEDNESS FOR THE PURPOSE OF EXTENDING ITS SYSTEM OF WATER PIPES

Chap. 439

Be it enacted, etc., as follows:

SECTION 1. The town of North Brookfield, for the purposes mentioned in this act, may issue from time to time bonds, notes or scrip, denominated on their face, North Brookfield Water Loan, to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized to be issued for the same purposes, and upon the terms, restrictions and conditions and with the same powers as are provided or authorized in section five of chapter four hundred and twenty-four of the acts of the year eighteen hundred and eighty-nine: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore authorized for the same purposes, shall not in any event exceed the amount of one hundred and seventy thousand dollars; and *provided*, further, that the said town may apply to the payment of the debt authorized by this act, or to the payment of the interest thereon, or to contributions to the sinking fund which may be created to pay the same, the whole or any part of the income derived from the water rates, or from any contract it may make with the towns of Brookfield, West Brookfield or Warren; but this provision shall not release said town from the obligation to provide by annual taxation for the payment of the current expenses of operating the water works, the interest as it accrues on all water bonds, notes or scrip issued by it, and to make the necessary annual contributions to the sinking funds and payments on the principal of all water loans, under section eight of said act to which this act is in addition.

North Brookfield Water Loan.

Proviso.

SECTION 2. Said town may contract with the towns of Brookfield, West Brookfield and Warren, or either of them, and with the inhabitants thereof, to furnish them with a supply of water, and for such purposes may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, in either of said towns of Brookfield, West Brookfield or Warren, and along any such way in such manner as when completed shall not unnecessarily obstruct the same, and may acquire by purchase or otherwise within said towns, or either of them, all lands, rights of way or

May supply certain towns with water.

Proviso.

easements necessary for distributing said water within either of said towns: *provided*, that this act shall take effect upon its acceptance by a two thirds vote of the voters of North Brookfield present and voting thereon at a legal town meeting duly called for that purpose within three years from its passage; but the number of meetings so called in any one year shall not exceed three.

To be subject to certain provisions of law, etc.

SECTION 3. All acts of the town of North Brookfield done under authority of the preceding section shall be done by the same officers and subject to the same conditions, restrictions and liabilities as are provided in the act to which this act is in addition, in respect to acts done within the town of North Brookfield: *provided*, that no conduits, pipes or other works shall be laid or constructed in any public ways or streets of either Brookfield, West Brookfield or Warren, except in such ways and streets and such parts of said ways and streets as may be designated by the selectmen or road commissioners of said towns respectively; and said town of North Brookfield shall be liable in an action of contract or tort for all damage occasioned by laying or constructing any conduits, pipes or other works in said ways or streets.

Proviso.

Contracts to be authorized at town meeting.

SECTION 4. Said towns of Brookfield, West Brookfield and Warren are hereby severally authorized to contract with the town of North Brookfield for a supply of water, provided that no such contract shall be made by either of said towns unless it shall be authorized by a majority of its voters present and voting thereon at a legal town meeting duly called for that purpose.

SECTION 5. This act shall take effect upon its passage.

Approved May 31, 1895.

*Chap.*440 AN ACT RELATIVE TO THE CONSTRUCTION OF SUBWAYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1894, 54S, § 34, amended.

SECTION 1. Section thirty-four of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the first, second, third and fourth lines, the words "Said commission shall determine all damages sustained by any person whose property is injured by it under authority of section twenty-seven, or is taken by it", and inserting in place thereof the words: — Said commission may agree

with any person as to the amount to be paid, as damages sustained by him, for any property taken, or injured, by said commission under authority of this act or of any act in amendment hereof, — so as to read as follows: — *Section 3-1.* Said commission may agree with any person as to the amount to be paid, as damages sustained by him, for any property taken, or injured, by said commission under authority of this act or of any act in amendment hereof, and if any such person cannot agree with said commission as to the damages so sustained, such damages may be determined by a jury in the superior court for the county of Suffolk, on petition therefor of said commission or of said person against said city, filed in the clerk's office of said court within one year after such taking, or the property is so injured, and judgment shall be entered upon the determination of such jury, and costs shall be taxed and execution issued in favor of the prevailing party as in civil cases.

Construction of subways, damages.

SECTION 2. Nothing contained in said act shall be construed as preventing the said commission from constructing subways for less than four railway tracks in any portion of the routes defined in the act where said commission deems that the construction of a subway or subways for four tracks is unnecessary or inexpedient; but said commission is authorized to make suitable provisions for the future enlargement of any subway or subways so as to accommodate four tracks in any portion of said routes, and to make such enlargement when said commission deems it expedient so to do.

May be constructed for less than four tracks in certain cases, etc.

SECTION 3. No portion of the Common, with the exception of the malls on Boylston and Tremont streets, shall be permanently occupied above the surface of the ground for any of the purposes of the subway except so far as necessary for the suitable ventilation thereof, and no portion of said malls shall be permanently occupied above the surface of the ground except so far as necessary for suitable ventilation, and for shelter and other accommodations at the station entrances and exits. In constructing the subway under the Common said commission shall not be limited to the line of the malls, provided that additional space is necessary or expedient in order to secure suitable curves and stations for the subway, and a suitable loop for turning cars, nor shall said commission be prohibited from disturbing the surface of Tremont

Certain portion of the Common not to be permanently occupied, etc.

street east of the westerly track of the West End street railway except between Winter street and a point one hundred and fifty feet northerly of Boylston street. In no case shall the subway extend under the Common more than sixty feet beyond the present limit of said malls.

Proceeds from
sales of lands,
etc.

SECTION 4. In order that the debt created for the construction of said subways may be limited as nearly as possible to the net cost thereof, the proceeds from any sales of lands or rights therein taken by purchase or otherwise under the authority of said act or any acts in amendment thereof made before the expiration of two years from the date of the completion of the construction of the subway may be credited to the subway account instead of being paid into the sinking fund.

Widening of
Haverhill and
Canal streets.

SECTION 5. The board of street commissioners of the city of Boston, with the approval of the mayor and of the Boston transit commission, may, for the purpose of widening Haverhill and Canal streets, take or lay out any portion of the land taken by purchase or otherwise by the said Boston transit commission; and so far as the widening of said Haverhill and Canal streets is not rendered necessary in consequence of the construction of the subway, the value of the real estate so taken or laid out by said board, as determined by agreement between said board and said transit commission, shall be considered as expended for street widenings, and not as part of the cost of building the subways.

Construction,
equipment and
location of
tracks, etc.

SECTION 6. Said commission may, if it deems expedient, construct any portion or the whole of the tracks in said subway or subways, and may electrically or otherwise equip the same, and may in the name of the city of Boston, and subject to the approval of the board of railroad commissioners, enter into contracts with any surface or elevated railway company or companies, which shall be binding upon the contracting company or companies and upon the city and its officers and boards, for locations for tracks and other rights in any part or all of said subway or subways, on such terms and conditions, and containing such stipulations and provisions for the security of said city of Boston, the Commonwealth, and all other parties, including such contracting company or companies, as to said commission or a majority thereof shall seem just and reasonable.

SECTION 7. The interest on the debt incurred for the construction of the subway or any part thereof shall be considered as part of the cost of the construction until such subway or part thereof is open for use.

Interest to be considered as part of cost.

Approved June 1, 1895.

AN ACT RELATIVE TO RETRACTIONS IN ACTIONS FOR LIBEL.

Be it enacted, etc., as follows:

Chap.441

SECTION 1. In any action for libel the defendant may, after notice in writing of his intention so to do, duly given to the plaintiff or his attorney at or before the time in which the answer is required to be filed in such action, give in evidence, in mitigation of damages, that he published a retraction of such libel before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action was commenced before there was an opportunity of publishing such retraction.

Publication of retractions may be given in evidence.

SECTION 2. This act shall take effect upon its passage.

Approved June 1, 1895.

AN ACT TO AUTHORIZE THE TOWN OF NANTUCKET TO TAKE THE ISLAND OF MUSKEGET OR CERTAIN PORTIONS THEREOF FOR PUBLIC PURPOSES.

Be it enacted, etc., as follows:

Chap.442

SECTION 1. The town of Nantucket, by its selectmen acting as a board in this behalf, on being authorized so to do by a vote of said town at any annual town meeting or a meeting specially called for the purpose, may at any time within six months after the passage of this act enter upon and take by purchase or otherwise any part or the whole, if deemed advisable by said board of selectmen, of the land not held by a clear title, of the island of Muskeget, for a public park.

May take certain portions of the island of Muskeget for park purposes.

SECTION 2. When said land is entered upon and taken otherwise than by purchase said board of selectmen shall, within thirty days of said entering upon and taking, cause to be recorded in the registry of deeds in the district where said land lies, a description of the same as certain as is required in a common conveyance of land, with a statement of the purpose for which the same is entered upon and taken, which description shall be signed by a majority of

Description of land to be recorded.

said board of selectmen ; and the fee to the land so entered upon and taken shall vest in the town of Nantucket.

Damages.

SECTION 3. The town of Nantucket shall pay all damages sustained by any person or corporation by reason of such entering upon and taking, such damages to be agreed upon by said board of selectmen and the person or corporation injured ; and if the parties cannot agree a jury may be had to determine the same, in the same manner as a jury is had and damages are determined in the case of persons dissatisfied with the estimate of damages sustained in the laying out of highways : *provided*, that no suit for such damages shall be brought after the expiration of three years from the date of the recording of the entering upon and taking of such land ; and *provided, further*, that such jury shall not be chosen from the county of Nantucket.

Provides

Portion of land may be set off for life saving station.

SECTION 4. Said town, upon request of the secretary, treasurer or general superintendent of the life saving service, may set off to the United States a portion of the land so taken for the establishment and maintenance of a life saving station.

Special police officer, powers, duties, etc.

SECTION 5. The town of Nantucket shall, upon the acceptance of this act, appoint a special police officer whose compensation shall be paid from the treasury of the town, and who shall reside upon the island of Muskeget from the first day of May to the fifteenth day of August, and who shall enforce the provisions of all existing laws for the protection of birds, their eggs and young, during said period.

Approved June 1, 1895.

Chap. 443 AN ACT RELATIVE TO THE BUILDING, MAINTAINING AND OPERATING OF A SYSTEM OF SEWAGE DISPOSAL FOR THE CITY OF MALDEN.

Be it enacted, etc., as follows :

Street commissioners, city of Malden, powers and duties.

SECTION 1. The board of street commissioners of the city of Malden shall have and perform all the powers and duties now vested by law or which may hereafter be vested by law in the board of mayor and aldermen or the city council concerning the laying, maintaining, altering or discontinuing of main drains and sewers and the making of assessments or establishing rates, subject to such general rules and regulations as the city council may by ordinance from time to time establish.

1892, 245, § 9, not to be obligatory.

SECTION 2. The provisions of section nine of chapter two hundred and forty-five of the acts of the year eighteen

hundred and ninety-two shall not be obligatory upon the city of Malden.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1895.

AN ACT RELATIVE TO SIDEWALKS IN CITIES.

Chap. 444

Be it enacted, etc., as follows:

SECTION 1. The board of mayor and aldermen or the board having power to establish, grade and construct sidewalks in any city may grade and construct sidewalks and complete any partially constructed sidewalk in any street of such city as the public convenience may require, with or without edgestones, as said board shall deem expedient, and may cover the same with brick, flat stones, concrete, gravel or other appropriate material, and may assess upon the abutters on such sidewalks in just proportions, not exceeding one half of the expense of the same; but all assessments so made shall constitute a lien upon the abutting land and be collected in the same manner as taxes on real estate; and such sidewalks, when constructed with edgestones and covered with brick, flat stones or concrete, shall afterwards be maintained at the expense of such city. When any such sidewalk shall be permanently constructed with edgestones and covered with brick, flat stones or concrete, as aforesaid, there shall be deducted from the assessment therefor any sum which shall have been previously assessed upon the abutting premises and paid to the city for the expense of the construction of the same in any other manner than with edgestones and with brick, flat stones or concrete, as aforesaid; and such deduction shall be made pro rata and in just proportions from the assessments upon different abutters, who at the time of such assessments are owners of the estate which at the time of such former assessments was the estate of the abutters who had previously paid such former assessments.

Construction,
etc., of side-
walks in cities.

SECTION 2. In estimating the damage sustained by any party by the construction of sidewalks, as aforesaid, there shall be allowed by way of set-off the benefit, if any, to the property of the party by reason thereof.

Benefit to be
allowed as set-
off in estimating
damage.

SECTION 3. This act shall take effect upon its passage

Approved June 1, 1895.

Chap. 445

AN ACT RELATIVE TO PERSONS RECEIVING PUBLIC AID.

Be it enacted, etc., as follows :

Certain persons receiving public aid may be required to perform labor, etc.

SECTION 1. The overseers of the poor of a city or town may require any person applying for and receiving food or lodging on premises provided by the city or town for the purpose, to perform a reasonable amount of labor in return therefor, and the officer in charge of any such premises may require any person applying for and receiving either food or lodging on such premises to perform a reasonable amount of labor in return therefor, and may detain such person for a period not exceeding twenty-four hours from the time of the application of such person for food or lodging, until any labor required of him as aforesaid is performed.

In almshouses or workhouses.

SECTION 2. Every person receiving aid in an almshouse or workhouse of a city or town may be required by the officer in charge thereof to perform such labor as the official physician shall certify to be suited to the age, strength and capacity of such person.

Penalty.

SECTION 3. Whoever refuses or neglects to perform any labor required of him as aforesaid, or while performing such labor wilfully damages any property of the city or town requiring the performance of such labor, shall on conviction thereof by any court or magistrate having jurisdiction of the offence be punished by imprisonment not exceeding one year in the house of correction or at the state farm, or, in the county of Suffolk, in the house of correction or house of industry.

Repeal.

SECTION 4. Section nineteen of chapter eighty-four of the Public Statutes is hereby repealed.

Approved June 1, 1895.

Chap. 446

AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LAY OUT AND CONSTRUCT A TOWN WAY THROUGH FRANKLIN CEMETERY.

Be it enacted, etc., as follows :

Selectmen may lay out and widen certain public way.

The selectmen of the town of Franklin are hereby authorized to lay out and widen, for the use of said town the public way known as Central street in said town, in, upon and through the enclosure now used for the burial of the dead, known as the Franklin Cemetery, adjoining said Central street on the easterly side thereof, and to take therefor a strip of land now embraced within the limits of

said cemetery not exceeding six feet in width and three hundred feet in length; and said town is hereby authorized to accept and allow such laying out and widening of said street, at a public meeting of the inhabitants thereof regularly notified and warned therefor, and to construct said way so laid out and accepted; and to raise and appropriate such sums as said town shall judge to be necessary therefor.

Approved June 1, 1895.

AN ACT RELATIVE TO THE COUNTY TRUANT SCHOOL OF THE COUNTY OF MIDDLESEX. Chap. 447

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Middlesex shall make no expenditure for the enlargement of the buildings of the county truant school, or for increasing its present capacity, until after the first day of July in the year eighteen hundred and ninety-six.

No expenditure to be made for enlarging county truant school.

SECTION 2. This act shall take effect upon its passage.

Approved June 1, 1895.

AN ACT TO AUTHORIZE THE INTERSTATE CONSOLIDATED STREET RAILWAY COMPANY TO ACQUIRE AND OPERATE CERTAIN STREET RAILWAYS WITHIN THIS COMMONWEALTH. Chap. 448

Be it enacted, etc., as follows:

SECTION 1. The Interstate Consolidated Street Railway Company, a corporation created by the laws of the state of Rhode Island, is hereby authorized to acquire by purchase all the railways, equipments, franchises, rights, and other property, real and personal, in the towns of Attleborough, North Attleborough, Wrentham and Seekonk in this Commonwealth, which were or now are owned and held by the Interstate Street Railway Company and the Attleborough, North Attleborough and Wrentham Street Railway Company, or either of them, or by Edward R. Price of said North Attleborough, trustee; and with respect to the maintenance, operation and extension of said railways in said towns, and to the use and improvement of the property, rights and franchises so purchased, and to the acquisition of such additional property as may be necessary or convenient for the operation of said railways, and otherwise with respect to said railways and property, shall have the same and no other powers and privileges, and shall be subject to the same and no other duties, liabilities and

May acquire franchise, etc., of certain street railway companies, etc.

restrictions, as are set forth in the general laws of this Commonwealth which now are or hereafter may be in force relating to street railway companies; but said company shall not hereafter construct any new crossing of its railway over a railroad at grade without the consent of the board of railroad commissioners.

Capital stock
and bonds.

SECTION 2. For the purposes aforesaid, and for any other purpose specified in chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-nine, said company may from time to time issue its capital stock and bonds; but only such amounts of stock and bonds shall be issued, and for such purposes only, as have been authorized by the board of railroad commissioners, under chapter four hundred and sixty-two of the acts of the year eighteen hundred and ninety-four and any other laws applicable thereto. Any mortgage duly made to secure the payment of bonds so authorized, when recorded as required by the laws of this Commonwealth, shall attach to and be a valid lien upon the railways, franchises and other property, real and personal, of said company in this Commonwealth, so far as said mortgage purports to convey the same.

May be
restrained from
prosecution of
business for cer-
tain causes.

SECTION 3. If said company neglects to make the annual reports required of street railway companies, or violates or fails to comply with any other law of this Commonwealth applicable to said company, the supreme judicial or superior court may, in addition to any other remedies in such case provided, restrain the company from the further prosecution of its business while such violation or default continues.

To appoint
commissioner
of corporations
its attorney,
upon whom
process may
be served.

SECTION 4. Before doing business in this Commonwealth said company shall, by a duly executed instrument filed in the office of the commissioner of corporations, appoint said commissioner or his successor its true and lawful attorney, upon whom all lawful processes in any action or legal proceeding against it may be served; and shall stipulate therein that any lawful process against it which is served on its said attorney shall be of the same legal force and validity as if served on said company, and that such authority shall be irrevocable so long as any liability of said company remains outstanding in this Commonwealth. Service of such process shall be made by leaving the same in the hands or office of said commissioner. Copies of said instrument certified by the com-

missioner shall be deemed sufficient evidence thereof; and service upon the commissioner shall be deemed sufficient service upon said company.

SECTION 5. This act shall take effect upon its passage, but shall become void and of no effect at the expiration of one year thereafter, unless in the meantime due and seasonable application has been made to the general court, by or in behalf of said company, for the incorporation of a company in and under the laws of this Commonwealth, which shall have the power to acquire, hold and operate the railways, franchises and other property aforesaid; but nothing in this section shall affect the validity of any bonds issued or mortgage duly made and recorded in accordance with the provisions of section two.

To be void unless certain conditions are complied with, etc.

Approved June 1, 1895.

AN ACT TO REVISE THE CHARTER OF THE CITY OF BOSTON.

Chap. 449

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Boston shall be elected for the term of two years from the first Monday in January following his election, and until his successor is chosen and qualified. In case of a vacancy in the office of mayor, the city council shall, if such vacancy occurs before the last six months of said term, order an election for a mayor to serve for the unexpired term, and if such vacancy occurs in the last six months of the term, the chairman of the board of aldermen shall act as mayor for the unexpired term.

City of Boston, mayor, election, term, etc.

SECTION 2. The election department, the fire department, the water department, and the institutions department, are hereby created as departments of the city of Boston, and shall be under the charge of the officers herein designated therefor. Said officers shall be citizens and voters of Boston and shall be appointed by the mayor of said city, without confirmation by the board of aldermen; and chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five, and all other acts relating to departments of the city of Boston or the officers and employees thereof, not inconsistent herewith, shall be applicable to the departments created by this act and to the officers and employees thereof.

Certain departments created.

Appointment of officers, etc.

SECTION 3. The election department shall be under the charge of a board of four election commissioners, and they

Election commissioners, appointment, term, etc.

Chairman.

Compensation.

Board of registrars of voters, etc., abolished.

Powers and duties of election commissioners.

shall be so selected that two will always be of the political party which at the annual state election next preceding their appointment cast the largest vote for governor, and two will be of the political party which cast the next largest vote for governor; during the current year one of said commissioners shall be appointed for one year, one for two years, one for three years and one for four years, beginning with the first day of May in the year eighteen hundred and ninety-five; and annually after the current year one such commissioner shall be appointed as aforesaid for the term of four years, beginning with the first day of May in the year of his appointment. The mayor shall, on or before the first day of May in each year, designate one of said commissioners to serve as chairman for the year beginning with said day. Any commissioner aforesaid may, after notice and hearing, be removed by the mayor of said city for cause. Said commissioners shall receive an annual salary, the chairman of four thousand dollars, and each of the other commissioners of three thousand five hundred dollars, or such other salary as the city council may by ordinance prescribe. The board of registrars of voters and the offices of registrars of voters of said city are hereby abolished.

SECTION 4. Said board of election commissioners shall have and exercise all the powers and duties now conferred by law upon said board of registrars of voters, including the preparation of the jury list, and also all the powers and duties relating to the selection of election officers, the preparation of ballots, the posting and publishing of lists of candidates, the furnishing of places for voting, the care of ballot boxes, the registration of voters, the determination of the results of elections, and all other matters relating to elections in said city, now conferred upon the mayor, board of aldermen or city clerk of said city, except the power and duty of giving notice of elections and fixing the days and hours of holding the same. Said board of election commissioners shall further have and exercise all the powers and duties now conferred upon the city clerk or other officers by chapter five hundred and four of the acts of the year eighteen hundred and ninety-four and acts in amendment thereof; and all laws relating to the registration of voters in the city of Boston, not inconsistent with this act, shall apply to and be observed and carried out by said board of election commissioners.

SECTION 5. Said board of election commissioners shall constitute the Boston ballot law commission, and shall in all matters relating to objections and questions arising in the case of nominations of candidates for city offices in said city, have all the powers and duties prescribed for the ballot law commission of the state, in matters under their jurisdiction; and in every case where said commissioners sit as a ballot law commission the chief justice of the municipal court of the city of Boston, or in case of his sickness or disability the next senior justice of said court, who is not sick or otherwise disabled, shall preside, but shall not vote except in case the other commissioners are evenly divided in their decision, when he shall cast the deciding vote. In every other matter in which the commissioners are equally divided said chief justice, or other justice of said court as above-provided, shall act with them and cast the deciding vote.

To constitute
Boston ballot
law commis-
sion.

Justice of
municipal court
to act with
commissioners
in certain cases.

SECTION 6. Said board of election commissioners shall, between the first day of May and the first day of October in the year eighteen hundred and ninety-six, and in every tenth year thereafter, make a new general register of the qualified voters of said city. Said general register shall be prepared in the manner provided by law for preparing general registers, but in determining the residence of any voter for registration said election commissioners shall receive as prima facie evidence of such residence a certificate from the assessors of taxes or a tax bill, or notice from the collector of taxes in said city showing that such person has been assessed for a poll tax as a resident of said city on the first day of May, and in case the applicant shall fail to present such certificate, bill or notice, he shall be required to otherwise satisfy the said commissioners as to such residence. Changes may be made in said new general register on account of illegal registration, and after the year in which a new general register is made all laws relating to general registers of voters shall be applicable to said new general registers, and the annual registers and voting lists of said city shall be prepared therefrom, in the manner provided by law for preparing annual registers and voting lists in cities. Until the first day of September of the years designated for preparing new general registers voters may be registered at the central registration office in said city; but during the month of September of said years said board shall keep open one or more places for regis-

General register
of voters, prepa-
ration, etc.

tration in each ward of said city, as said board shall deem sufficient, where alone registration of the citizens of that ward shall be made daily from eight o'clock in the forenoon to ten o'clock in the afternoon, except Sunday.

Delivery of
ballot boxes,
etc., to election
commissioners.

SECTION 7. The warden of each polling place immediately after the ballots and voting lists have been put in envelopes and sealed as provided by law shall place said envelopes, together with the ballot boxes, ballot box seals and counting apparatus, in the custody of a police officer of said city, and said police officer shall forthwith deliver the same in person to said board of election commissioners, at the place designated by them.

Recount of
ballots.

SECTION 8. If within the six days next succeeding the day of any election in any ward of said city ten or more qualified voters of such ward shall sign, swear to and file with said board of election commissioners a statement that they have reason to believe and do believe that the records (or copies of records) made by the election officers of certain precincts in said wards are erroneous (specifying wherein they deem they are in error), and that they believe a recount of the ballots cast in such precincts will affect the election of one or more candidates voted for at such election (specifying the candidates), or will affect the decision of a question voted upon at such election (specifying the question), said board shall without delay open the envelopes containing said ballots, recount the same and determine the questions raised. Said board may employ such assistance as they deem necessary in making any such recount; and the chairman of the city committee representing the largest political party and the chairman of the city committee representing the second largest political party may in writing designate two persons, or such further number as said commissioners may allow, to be present and witness the count, and said board shall allow each candidate whose election is in question, or his representative, to be present, and said board may allow representatives of other political parties and other persons to be present and witness the recount. After making any such recount, said board shall again enclose all such ballots in their proper envelopes, seal each envelope with a seal provided for the purpose, and certify upon each envelope that the same has been opened and again sealed in conformity to law, and shall likewise make and sign a statement of their determination of the questions raised,

May employ
assistance, etc.

and alter and amend such records as have been found to be erroneous, in accordance with such determination; and the records so amended shall stand as the true records of the election.

SECTION 9. The fire department of said city shall be under the charge of one fire commissioner, who shall be appointed for the term of three years, and shall receive an annual salary of five thousand dollars, or such other salary as the city council may by ordinance prescribe. The board of fire commissioners of the city of Boston is hereby abolished.

Fire commissioner, appointment, term, etc.

Board of fire commissioners abolished.

SECTION 10. Said fire commissioner shall have the charge of extinguishing fires in said city and the protection of life and property in case of fire, and shall purchase and keep in repair all apparatus used therefor, including the fire alarm telegraph and telephone system; shall divide said city into fire districts and establish a fire patrol; shall have and exercise all the powers and duties conferred by statute upon the board of fire commissioners of said city or upon fire engineers, and shall appoint a chief engineer, engineers and other firemen. Said fire commissioner shall have and exercise all the powers and duties conferred by the ordinances of said city upon the board of fire commissioners of said city, subject to such changes and alterations in said ordinances, not inconsistent with this act, as the city council of said city may hereafter from time to time make by ordinance.

Powers and duties of fire commissioner.

SECTION 11. Said chief engineer shall direct the work of the members of the fire department in case of fire, act as the executive officer of said fire commissioner, and have authority, in case of fire, to prevent persons not authorized by him from coming within the lines that he may under such circumstances establish in the neighborhood of the building or buildings in which a fire may have occurred.

Chief engineer, powers and duties.

SECTION 12. The water department of said city shall be under the charge of one water commissioner, who shall be appointed for a term of three years, and shall receive an annual salary of five thousand dollars, or such other salary as the city council may by ordinance prescribe. The water supply department and the water income department and the offices of the Boston water board, the water commissioners and water registrar are hereby abolished.

Water commissioner, appointment, term, etc.

Certain offices, etc., abolished.

SECTION 13. Said water commissioner acting for said city shall have power to take the waters which said city

Powers and duties of water commissioner.

Powers and
duties of water
commissioner.

has been or shall hereafter be authorized by the legislature to take for a water supply, and shall also have power to protect the purity and prevent the pollution of said waters ; to construct and maintain dams, reservoirs and storage basins for said waters ; to collect and store said waters ; to convey said waters into the places said city is authorized to supply with water ; to distribute and use said waters therein ; to sell said waters or parts thereof and to fix the rates to be paid therefor by the owner of the premises to which any of said water is furnished, or by the person or persons using any of said water ; to furnish and attach meters where he deems it necessary ; to construct and maintain buildings, machinery, roads, drains, pipes, conduits and aqueducts, and lay and maintain pipes for the purposes of the water supply of said city ; and to take, by purchase or otherwise, such lands in fee, rights in lands, waters and water rights as said commissioner may deem necessary for the purposes of said water supply ; and to do all acts and things that said city or said water board or water registrar is authorized by law to do relating to the water supply of said city. Said water commissioner shall have and exercise all the powers and duties conferred by the ordinances of said city upon the Boston water board or the water registrar of said city, subject to such changes and alterations in said ordinances not inconsistent with this act as the city council of said city may hereafter from time to time make by ordinance.

Institutions
commissioner,
appointment,
term, etc.

SECTION 14. The institutions department shall be under the charge of one institutions commissioner, who shall be appointed for three years, and shall receive an annual salary of five thousand dollars, or such other salary as the city council may by ordinance prescribe. The board of commissioners of public institutions and the public institutions department and the offices of commissioners of public institutions are hereby abolished.

Board of com-
missioners, etc.,
abolished.

Powers and
duties of
institutions
commissioner.

SECTION 15. Said institutions commissioner shall have the charge and control of the institutions now placed by law under the charge of said board of commissioners of public institutions, and shall have all the powers and duties conferred by statute upon said board, and all the powers and duties conferred by the ordinances of said city upon the commissioners of public institutions of said city, subject to such changes and alterations in said ordinances not inconsistent with this act as the city council of

said city may hereafter from time to time make by ordinance.

SECTION 16. The institutions commissioner shall have all the powers which are now possessed by the board of commissioners of public institutions relative to the release of persons now confined in or hereafter committed to any of the institutions under his charge, and to their return to such institutions, and all laws in relation to such discharge and return shall apply in case of any person released as aforesaid: *provided, however,* that no person shall be released without the approval of a justice of the court which imposed the sentence.

Additional powers.

Proviso.

SECTION 17. The superintendent for the time being in charge of any almshouse or workhouse of the city of Boston may from time to time, subject to the approval of said institutions commissioner, make, amend and repeal reasonable rules and regulations for the government of the inmates of the almshouse or workhouse under his charge; and the same when so approved shall remain in force until amended or repealed as aforesaid.

Rules, etc., for government of inmates of almshouses, etc.

SECTION 18. Any inmate of an almshouse or workhouse aforesaid may at the discretion of the superintendent thereof be punished by being restricted in his diet or liberty, or both, for any violation of such rules and regulations, and may for that purpose be detained by the said superintendent for a period not exceeding three days.

Penalty.

SECTION 19. The board of health of the city of Boston shall appoint as employees of the health department one or more health inspectors, who shall, as designated by said board, have and perform all the powers and duties conferred by law upon inspectors of milk, inspectors of vinegar and inspectors of provisions and of animals intended for slaughter, and such other duties as said board may direct; and the inspection of milk and vinegar department, and inspection of provisions department, and the offices of inspectors of milk and inspectors of vinegar, and inspectors of provisions and of animals intended for slaughter, in said city, are hereby abolished.

Health inspectors, appointment, powers, duties, etc.

Certain offices, etc., abolished.

SECTION 20. The officer or board in charge of any department created by this act, and the board of health of said city, may, with the approval of the mayor, appoint not exceeding three assistants, who shall be citizens and residents of Boston, each to have charge of a division of the department under the charge of such officer or board,

Certain officers and boards may appoint assistants, etc.

and a secretary of such department; and such appointment shall be exempt from the laws relating to civil service in the Commonwealth and the cities and towns thereof.

City engineer,
powers and
duties.

SECTION 21. The city engineer of said city shall make such surveys, plans, estimates, statements and descriptions, and take such levels, as the mayor, the board of aldermen, the common council, any committee of the city council or of either branch or any board or officer in charge of a department of said city may need in the discharge of its duties, and shall have the custody of all surveys and plans relating to the laying out, widening, extending, locating anew and grading of streets; and the office of said city engineer shall be deemed to be the office of the city surveyor of said city. The surveying department and the office of city surveyor of said city are hereby abolished.

Surveying
department
etc., abolished.
Architect de-
partment, etc.,
abolished.

SECTION 22. The architect department and the office of city architect of said city are hereby abolished, and all buildings now in process of construction by said department shall be placed under the charge of the superintendent of public buildings, who shall be the city architect so far as relates to the powers and duties required of the city architect under existing contracts of said city, and shall see that the buildings are completed in accordance with the contracts already made therefor. Any building hereafter required by said city for the use of any department shall be built by such department, and any building not for the use of any department shall be built by such of the heads of departments or other officers appointed by the mayor as the mayor shall from time to time determine; but the plans of all buildings shall be subject to the approval of any officer or board specified in the statutes relating thereto, and of the mayor, and the selection of the architect shall be subject to the approval of the mayor.

Superintendent
of public build-
ings, powers
and duties.

Board of
survey
abolished, etc.

SECTION 23. The board of survey of the city of Boston is hereby abolished, and the powers and duties now exercised by the said board of survey are hereby transferred to the board of street commissioners.

Building com-
missioner,
powers and
duties.

SECTION 24. The department for the inspection of buildings of the city of Boston shall hereafter be known as the building department, and the title of the officer in charge thereof shall be the building commissioner, and all the powers and duties of the inspector of buildings of said city shall be exercised by said building commissioner. The

officers appointed as deputies under said commissioner shall hereafter be termed building inspectors. Inspectors.

SECTION 25. The superintendent of streets of said city shall hereafter have the care and management of the ferries owned by said city; shall purchase or build all ferry boats used for said ferries, and make the necessary repairs and alterations thereon, and on the slips, drops, tanks and buildings used for ferry purposes. Said superintendent shall have and exercise all the powers and duties conferred by the ordinances of said city upon the superintendent of ferries of said city, subject to such changes and alterations in said ordinances, not inconsistent with this act, as the city council of said city may hereafter from time to time make by ordinance. The ferry department and the office of superintendent of ferries of said city are hereby abolished. Superintendent of streets, powers and duties.
Ferry department, etc., abolished.

SECTION 26. The board of police for the city of Boston shall have charge and control of the present members of the park police of said city, of the officers appointed as department police for the Faneuil Hall markets, and of the police now employed by the Boston water board within the limits of the city of Boston, and they shall be considered as regular police officers of said city. Said board shall hereafter appoint and have charge of all police for service in the parks, markets and grounds in said city used for purposes of its water supply, and of all other department police of said city, the same as all other regular police officers of said city. The age of any applicant for appointment on the park police or grounds used in said city for purposes of its water supply shall constitute no disqualification if such applicant is an honorably discharged veteran who served in the army or navy of the United States in the war of the rebellion, and is otherwise qualified to perform the duties of said position. Board of police to have charge of park police, etc.
Age not to disqualify in certain cases.

SECTION 27. The officers and employees of any department who may be removed from the service of the city, or whose tenure of office may be affected by the provisions of this act or the carrying out thereof, may be appointed to positions in any department of said city without civil service examination or enrolment. Certain officers, etc., may be appointed without civil service examination, etc.

SECTION 28. All acts and parts of acts so far as they are inconsistent with the provisions of this act are hereby repealed; and all ordinances and parts of ordinances of said city so far as they are inconsistent with the provisions of this act are hereby annulled; and said city shall not Repeal, etc.

appoint any officer or pass any ordinance inconsistent with the provisions of this act.

When to take effect.

SECTION 29. This act, so far as it provides for the appointment of officers to have charge of the departments created by this act, shall take effect upon its passage, and shall take full effect on the first day of July of the current year.

Approved June 1, 1895.

Chap. 450

AN ACT RELATIVE TO THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Metropolitan park commission, additional powers.

SECTION 1. The metropolitan park commission may, for all purposes not inconsistent with the purposes specified in the act establishing said commission, and acts in amendment thereof and in addition thereto, erect, maintain and care for buildings, and, by deed executed, acknowledged and recorded according to the laws of the Commonwealth, grant or accept and assent to any deed containing reservations of easements, rights of way and privileges in life estates, estates for the life of another and estates for years, including leases in, upon, under and over any portion of the lands now or hereafter taken or acquired by it, all for such considerations and rentals and upon such terms, restrictions, provisions or agreements as said commission may deem best. Said commission may remove or sell at public or private sale surplus earth, rock, ice, wood, hay, standing grass, old buildings and materials, and fix the price and terms thereof, collect the money due therefrom, and sue to recover or enforce the same in the courts of the Commonwealth. All moneys received therefrom in each year shall be accounted for and paid to the treasurer and receiver general by said commission.

May remove or sell surplus earth, etc.

Abandonment or sale of certain lands, rights, etc.

SECTION 2. Said commission, with the concurrence of a majority of the board of park commissioners, if any, of the city or town in which the property is situated, may, by deed executed, acknowledged and recorded according to the laws of the Commonwealth, accompanied by plan or survey, also to be recorded, abandon any portion of the lands or rights in land taken or acquired by it, and said abandonment shall revert the title thereof, as if never taken, in the persons, their heirs and assigns, in whom it was vested at the time of taking. If a majority of said commission vote to abandon any portion of the lands or rights in land taken or acquired by it and the board of

park commissioners of the city or town in which such property is situated refuse or fail to concur with said commission within fourteen days from the giving of written notice of such vote to such board of park commissioners, then in such case said commission, upon notice in writing of not less than seven days to such board of park commissioners, may appear before the governor and council and ask for the concurrence of the governor and council in such abandonment; and if the governor and council after a hearing thereon concur in such abandonment the same shall have full force and effect. The said abandonment may be pleaded in reduction of damages in any suit therefor on account of such taking. Said commission, with the concurrence of the majority of the board of park commissioners, if any, in the city or town in which the property is situated, may at any time sell at public or private sale any portion of the lands or rights in land, the title to which has been taken or received or acquired and paid for by it, and may, with the concurrence of such board of park commissioners, execute and acknowledge a deed thereof, with or without covenants of title and warranty, all in the name and behalf of the Commonwealth, to the purchaser, his heirs and assigns, and deposit said deed with the treasurer and receiver general of the Commonwealth, together with a certificate of the terms of sale and price paid or agreed to be paid at such sale; and said treasurer and receiver general, upon receipt of said price and upon the terms agreed in said deed, shall deliver the same to said purchaser. If a majority of said commission vote to sell any portion of the lands or rights in land taken or acquired by it and the board of park commissioners in the city or town in which such property or right in property is situated refuses or fails to concur with said commission within fourteen days from the giving of written notice of such vote to such board of park commissioners, then and in such case said commission, upon notice in writing of not less than seven days to such board of park commissioners, may appear before the governor and council and ask for the concurrence of the governor and council in such sale; and if the governor and council after a hearing thereon concur in such sale it shall have full force and effect. The treasurer and receiver general may by the attorney-general sue for and collect the price and enforce the terms of any such sale.

Abandonment
or sale of certain
lands, rights,
etc.

Collection of
price and
enforcement of
terms of sales.

May accept and maintain certain lands, etc.

SECTION 3. Said commission may accept and maintain as a portion of the public reservations, under the provisions of the act establishing said commission, and acts in amendment thereof and in addition thereto, including this act, any lands or rights in land which may be given to the Commonwealth, provided such lands lie within the limits of the metropolitan parks district, or without such limits but immediately contiguous thereto.

Assessment of betterments, etc.

SECTION 4. Said commission shall have the same power and authority to determine the value of and assess upon real estate the amount of betterments accruing to said real estate by reason of any taking made by said commission under the provisions of law, of land for open spaces for exercise and recreation, as is now conferred upon boards of park commissioners in cities and towns by section seven of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two in regard to the location and laying out of parks; and shall also have full power and authority to abate such proportion of any assessment for betterments made by it hereunder as it shall deem just and expedient; and also to authorize the treasurer and receiver general of the Commonwealth to refund to the proper person or persons the amount of such abatement of any assessment already paid.

Disposition of certain moneys.

SECTION 5. The treasurer and receiver general shall pay into the metropolitan parks loans sinking fund all moneys received under the provisions of this act.

Certain sums may be advanced, etc.

SECTION 6. The secretary of the metropolitan park commission, or such other person as said board may designate, may have advanced to him from the money in the treasury of the Commonwealth known as the metropolitan parks loan such sums, not exceeding ten thousand dollars at any time, as the auditor may certify to be necessary to enable said board to make direct payment upon its pay rolls and other accounts. The person so designated by said board shall give a bond with sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars. As soon as may be after expending such advance, and in any case within thirty days from its receipt, the person who has received the money from the Commonwealth under the provisions of this act shall file with the auditor a statement in detail of the sums expended subsequent to the previous accounting, approved by the board, if any, au-

Statement of expenditures to be filed, etc.

thorized to supervise such expenditure, and, where it is practicable to obtain them, accompanied by receipts or other like vouchers of the persons to whom the payments have been made.

SECTION 7. Said commission shall publish the rules and regulations made by it from time to time. Said publication shall be made at least six times in at least three newspapers printed and published in each county which is wholly or in part within said metropolitan parks district, and such publication shall be sufficient notice to all persons. The sworn certificate of any member of said commission, or of its secretary, that said rules and regulations have been published as herein provided, shall be prima facie evidence thereof. A copy of said rules and regulations, attested by any member of said commission or by its secretary, shall be prima facie evidence that said rules and regulations have been made by said commission, as provided by law.

Rules and regulations to be published etc.

SECTION 8. Whoever violates any rule or regulation lawfully made by said commission shall be punished by a fine not exceeding twenty dollars.

Penalty for violation of rules, etc.

SECTION 9. The police appointed or employed by said commission in accordance with the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four shall have all the powers of police officers and constables for the maintenance of the public peace upon any lands, roadways or boulevards under its care, and upon any roadways passing through or bordering upon said lands.

Police, powers.

SECTION 10. Said commission may employ counsel to advise, assist and represent it; and such counsel, if approved by the district attorney for any county within the park district, shall have full power and authority to represent the interests of the Commonwealth in the superior court in such county in all matters arising under said acts or any of them, or under this act; and, if approved by the attorney-general, shall have full power and authority to represent the interests of the Commonwealth in the supreme judicial court in all matters arising under said acts or any of them, or under this act.

Commission may employ counsel, etc.

SECTION 11. The secretary of the Commonwealth shall on the request of said commission certify in writing under

Secretary of the Commonwealth to certify

names of commissioners, etc., upon request.

the seal of the Commonwealth the names of the commissioners or of their secretary, and such certificates shall be sufficient prima facie evidence for any and all purposes.

Approved June 3, 1895.

Chap. 451

AN ACT TO SUPPLY THE CITY OF GLOUCESTER WITH WATER.

Be it enacted, etc., as follows:

Water supply for city of Gloucester.

SECTION 1. The city of Gloucester may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; and may establish fountains and hydrants, relocate or discontinue the same, may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take certain waters, lands, etc.

SECTION 2. Said city, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of any pond, stream, spring or wells not heretofore taken or purchased by the Gloucester Water Supply Company, within the limits of said city, also the Chebacco lakes in the towns of Essex, Wenham and Hamilton, and the waters which flow into the same and the water rights connected therewith, and may obtain and take water by means of bored, driven, artesian or other wells, on any land within said city, and hold and convey said water through said city and through said towns of Essex, Wenham and Hamilton, from said lakes, and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said city of Gloucester; and may erect on the lands thus taken or held, proper dams, reservoirs, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said city may dig up any such lands, and, under the

May erect buildings, lay down pipes, etc.

May dig up lands, ways, etc.

direction of the board of selectmen of the town in which said ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all land taken or purchased under the provisions of this act shall vest in said city, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said city.

SECTION 3. Said city shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district for the county of Essex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Description of
lands, etc., to
be recorded.

SECTION 4. Said city shall pay all damages sustained by any person or corporation in property by the taking of any lands, right of way, water, water sources, water rights or easement, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on making application at any time within the period of two years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said two years. No application for the assessment of damages shall be made for the taking of any water, water right or for any injury thereto until the water is actually withdrawn or diverted by said city under the authority of this act. Said city shall pay all damages sustained under the authority of this act by the town of Essex in its alewife fishery, which, unless agreed upon, shall be assessed and determined in the manner hereinbefore provided: *provided, however,* that said city may construct and maintain suitable fishways for the preservation of said alewife fishery, said fishways to be constructed to the satisfaction of and to be approved by the commissioners on inland fisheries and game.

Damages.

Provided.

City may tender
a specified sum,
etc.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the city may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed, and if the complainant does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the city shall have judgment for its costs after said date, for which execution shall issue; and the complainant, if he recovers damages, shall be allowed his costs only to the date of such offer or tender.

City of
Gloucester
Water Loan.

SECTION 6. Said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount sufficient for such purpose, to be determined by the board of water commissioners hereinafter provided for. Such bonds, notes or scrip shall bear on their face the words, City of Gloucester Water Loan, and shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable semi-annually, at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the city and be countersigned by the water commissioners hereinafter provided for. Said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Said city shall provide at the time of contracting said loan for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of such loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Proviso.

Sinking fund.

May provide
for annual
payments on
loan.

SECTION 7. Said city instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time pre-

scribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said city in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 8. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return to state
amount of
sinking fund,
etc.

SECTION 9. Said city shall raise annually by taxation a sum which, with the income derived from water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the notes, bonds and scrip issued as aforesaid by said city, and such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Payment of
expenses, etc.

SECTION 10. Whoever uses any water taken under this act without the consent of said city, or wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held by said city pursuant to the provisions of this act, or destroys or injures any structure, work or other property owned, held or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall also be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for
corruption of
water, etc.

SECTION 11. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, in case of non-payment by the occupant, for all sums due for the use of water under this act, to be collected in an action of contract in the name of the city of Gloucester.

Liability in
case of non-
payment of
water tax.

SECTION 12. The powers and duties granted and imposed upon the city of Gloucester by this act, including the purchase or taking of any lands or other property or

Water com-
missioners,
appointment,
term, etc.

rights, shall be exercised by a board of water commissioners, consisting of three residents of the city, to be appointed by the mayor, with the approval of the city council. Said commissioners shall be appointed and hold their office from the time of their appointment and approval for the terms of one, two and three years, respectively, from the first Monday of February next following their appointment, and thereafter one commissioner shall be appointed each year for the term of three years from the first Monday in February; all such commissioners, except in case of removal, shall hold office until their successors are appointed in their stead; vacancies occurring during the term may be filled for the remainder of the term. No person shall be appointed commissioner who holds at the time any city office by popular election. Any commissioner, after due notice and hearing, may be removed at any time by a two thirds vote of each branch of the city council for any cause which shall be deemed sufficient and shall be expressed in the vote of removal. The commissioners shall receive such compensation for their services as the city council, by a two thirds vote of each branch thereof, shall determine.

Removal.

Compensation.

Powers and duties.

SECTION 13. Said commissioners shall superintend and direct the construction, execution and performance of all the works, matters and things mentioned in the preceding sections; they shall be subject to such ordinances, rules and regulations in the execution of such duties as the city council may from time to time ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth. Said water commissioners shall make all contracts for the above purpose in the name and behalf of the city, but no contracts shall be made by them which involve the expenditure of money not already appropriated for the purpose by the city council. A majority of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of the commission.

Quorum.

To fix prices for use of water, etc.

SECTION 14. Said commissioners shall fix such prices or rents for the use of water as shall produce annually as near as may be a net surplus over operating expenses and interest charges equal to two per cent. of the total amount of the bonds, notes or scrip issued under this act, after paying all current expenses of operating the water works and interest upon loans, and after payment of all expense

for new construction, not exceeding ten thousand dollars in any one year after the original construction. The commissioners of sinking funds of the city of Gloucester shall be trustees of the sinking fund which shall be set apart for the payment and redemption of said water loan, and which shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. The net surplus aforesaid shall be paid into the sinking fund, if any is established hereunder, and if said surplus does not equal two per cent. of the total amount of the bonds, notes and scrip issued under this act, the city shall raise by general taxation a sum which, with the surplus, will equal said two per cent., and shall contribute said sum to the sinking fund. Said commissioners shall annually, and as often as the city council may require, render an account of all their doings in relation to the sinking fund, and shall be governed by the provisions of section eleven of chapter twenty-nine of the Public Statutes, except as herein otherwise provided.

Net surplus to be paid into sinking fund, etc.

Account to be rendered, etc.

SECTION 15. The town of Essex may connect water pipes with the main pipe of the city of Gloucester in said town, such connection to be made to the satisfaction of the engineer of said city, and in such case said city shall furnish to the inhabitants of said town through the pipes so connected a supply of water for the extinguishment of fires and for domestic and other purposes, for which the town of Essex shall pay to said city an equitable compensation. Said compensation in case of disagreement, shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and notice to the other, and the award of said commissioners, when accepted by said court, shall be binding upon the parties for the term of five years. Nothing in this act shall be construed to prevent the towns of Essex, Wenham and Hamilton from supplying themselves with water from the Chebacco lakes for the extinguishment of fires and for domestic and other purposes, or to prevent the town of Manchester from so supplying itself from Gravel pond, so-called.

Town of Essex may be supplied with water, etc.

In case of disagreement compensation to be determined by three commissioners.

Rights of certain towns not affected.

SECTION 16. If within thirty days after this act shall have been accepted by the city of Gloucester, as herein-after provided, the Gloucester Water Supply Company shall notify the mayor of the city of Gloucester in writing that it desires to sell to said city all the corporate property and all the rights, privileges, easements, lands, waters,

May purchase property of Gloucester Water Supply Company, etc.

May purchase
property of
Gloucester
Water Supply
Company, etc.

water rights, dams, reservoirs, pipes, engines, boilers, machinery, fixtures, hydrants, tools and all appliances owned by said company, and used in supplying said city and the inhabitants thereof with water, and shall file with the city clerk of said city a specification and description thereof, said city shall not proceed to supply water to itself or its inhabitants under the authority of this act, unless it shall have first purchased of said company the property aforesaid; and said company is authorized to make sale of said property to said city, and said city is authorized to purchase the same and manage and use the property thus conveyed for the purposes and under the provisions of this act. Whenever, within one year from the passage of this act, said city shall by a majority vote of the legal voters of said city, present and voting thereon at a legal meeting called for that purpose by order of the city council, or at any regular municipal election, vote to purchase said property, notice of the desire of said company to sell the same having been given as hereinbefore provided, said property shall thereupon become the property of said city, and said city shall pay to said company the fair value thereof, to be ascertained as hereinafter provided. In case said city and said company, after conference thereon, shall be unable to agree upon the value of said property, the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners, who shall determine the fair value of said property, and whose award, when accepted by the court, shall be final. Such value shall be estimated without enhancement on account of future earning capacity, or future good will, or on account of the franchise of said company.

In case of
disagreement
value of
property to be
determined
by three
commissioners.

To be submitted
to qualified
voters.

SECTION 17. This act shall be submitted to the qualified voters of the city of Gloucester for its acceptance and shall be void unless such voters, voting in their respective wards and precincts at a legal meeting called for that purpose by order of the city council, in the same manner as meetings for municipal elections are called, or at any regular municipal election, shall, within one year from the passage of this act, determine by ballot by a majority vote of those present and voting thereon to accept the same. The warrant for notifying such meeting, if called specially as aforesaid, shall specify when the polls shall be opened for the purpose of voting and when they shall be closed.

SECTION 18. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said city shall take effect upon its passage, but it shall not take further effect unless and until accepted as hereinbefore provided, by the qualified voters of said city; and the number of meetings called for the purpose of voting upon the question of its acceptance shall not exceed three in any one year.

When to take effect.

Approved June 4, 1895.

AN ACT ESTABLISHING THE SALARIES OF THE EMPLOYEES IN THE OFFICE OF THE STATE FIRE MARSHAL.

Chap.452

Be it enacted, etc., as follows:

SECTION 1. The state fire marshal may employ in his office a clerk at an annual salary of fourteen hundred dollars, two stenographers at an annual salary not to exceed eleven hundred dollars each, two chiefs of aid at an annual salary of twelve hundred dollars each, eleven aids and one chief of secret service at an annual salary of one thousand dollars each, and a messenger at an annual salary not to exceed four hundred dollars.

Employees in office of state fire marshal, compensation.

SECTION 2. The insurance commissioner shall approve all accounts of the fire marshal, which shall be properly itemized before they are submitted to the auditor of the Commonwealth for payment, and the same shall be allowed in the same manner as other claims against the Commonwealth.

Accounts to be approved by insurance commissioner.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 4, 1895.

AN ACT RELATIVE TO PLUMBING.

Chap.453

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter four hundred and fifty-five of the acts of the year eighteen hundred and ninety-four shall not be operative in any town until accepted by vote of a majority of the voters of such town present and voting thereon at a town meeting, and the provisions of section seven of said chapter shall not be operative in any city until accepted by vote of its city council.

1894, 455, not to be operative until accepted by town.

SECTION 2. Any city may, by vote of its city council, exempt from the provisions of said chapter four hundred

Certain territory may be exempt.

and fifty-five any or all of its territory lying outside of the limits of the water supply of such city, or unconnected with a common sewer.

Approved June 4, 1895.

Chap.454 AN ACT RELATIVE TO THE STATE NORMAL SCHOOL AT LOWELL.
Be it enacted, etc., as follows:

State normal
school at
Lowell.

SECTION 1. The state board of education may expend a sum not exceeding twenty-five thousand dollars in the construction of the building for the state normal school at Lowell, in addition to any amounts heretofore authorized to be expended for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

Chap.455 AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

May incur
indebtedness
beyond debt
limit for extension of water
works.

SECTION 1. The city of Worcester, for the purpose of building an additional reservoir on Tatnuck brook, one of its present utilized sources of water supply, and for the purpose of extending and improving the pipe service of said city and for any other necessary expenditures in connection with the extension of its water works may, by vote of the city council, borrow from time to time such sums of money to an amount not exceeding five hundred thousand dollars in excess of the limit of indebtedness fixed by law and in addition to the amount of the water loans heretofore authorized, as it shall deem necessary, subject to the provisions of chapter twenty-nine of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

Chap.456 AN ACT TO EXEMPT VETERAN SOLDIERS AND SAILORS FROM THE
PAYMENT OF FEES FOR AUCTIONEERS' LICENSES.

Be it enacted, etc., as follows:

Veteran soldiers
and sailors
exempt from
payment of fees
for auctioneers'
licenses.

SECTION 1. No fee for the issuing of any auctioneers' license shall be charged to any soldier or sailor resident in this Commonwealth who served in the army or navy during the war of the rebellion and who received an honorable discharge from such service.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF OFFICERS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON. *Chap. 457*

Be it enacted, etc., as follows:

SECTION 1. The justices of the municipal court of the city of Boston, or a majority of them, shall appoint officers for attendance upon the several sessions of said court, in number not exceeding six for criminal business and two for civil business.

Officers for attendance upon court, appointment, etc.

SECTION 2. Such officers shall have authority to serve such warrants, orders and processes issuing from said court as shall be committed to them by said court.

Powers and duties.

SECTION 3. Such officers shall be paid the same compensation and in the same manner as is now provided by law for constables of said court.

Compensation.

SECTION 4. Each officer so appointed shall give to the treasurer of the county of Suffolk a bond with sufficient sureties, to be approved by the chief justice of said court, for the faithful performance of his duties, in the sum of one thousand dollars.

To give bond, etc.

SECTION 5. A majority of the justices of said court may at any time remove any of said officers for cause deemed by them sufficient, and shall fill any vacancy caused by such removal or otherwise.

Removal, etc.

SECTION 6. Section sixty-three of chapter one hundred and fifty-four of the Public Statutes, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 7. This act shall take effect on the first day of July in the year eighteen hundred and ninety-five.

To take effect July 1, 1895.

Approved June 4, 1895.

AN ACT CONFIRMING CERTAIN PROCEEDINGS OF THE CITY OF NEW BEDFORD AND ITS OFFICERS RELATIVE TO CEMETERIES. *Chap. 458*

Be it enacted, etc., as follows:

SECTION 1. The ordinance passed by the city council of the city of New Bedford and approved by the mayor on the ninth day of November in the year eighteen hundred and ninety-three, entitled "An ordinance relating to cemeteries", and the ordinance passed by said city council on the eleventh day of April and approved by the mayor on the twelfth day of April in the year eighteen hundred and ninety-five, entitled "An ordinance amending an

Certain ordinances of city of New Bedford confirmed, etc.

ordinance relating to cemeteries passed Nov. 9th, 1893", shall have full force and effect, and the same are hereby ratified, confirmed and made valid.

Certain acts of
board of alder-
men confirmed.

SECTION 2. All acts and doings of the board of aldermen of the city of New Bedford in respect to cemeteries, between the fifteenth day of August in the year eighteen hundred and ninety-four and the date of the passage of this act, are hereby ratified and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1895.

Chap.459 AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Clerical
assistance.

SECTION 1. The register of probate and insolvency for the county of Middlesex shall be allowed, in addition to the amount now authorized by law, a sum not exceeding fifteen hundred dollars a year for clerical assistance actually rendered, to be so allowed from the first day of January in the year eighteen hundred and ninety-five, to be paid from the treasury of the Commonwealth upon the official certificate of the judge of probate and insolvency for said county.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

Chap.460 AN ACT RELATIVE TO THE ACKNOWLEDGMENT AND PROOF OF WRITTEN INSTRUMENTS.

Be it enacted, etc., as follows:

Acknowledg-
ment, etc., of
certain written
instruments.

SECTION 1. Nothing contained in chapter two hundred and fifty-three of the acts of the year eighteen hundred and ninety-four shall be construed to prevent the acknowledgment of conveyances and other written instruments in the form and manner lawfully used before the passage of said act; or the recording of conveyances and other written instruments so acknowledged without formalities other than those required before the passage of said act.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

AN ACT RELATIVE TO DISCRIMINATIONS IN PUBLIC PLACES ON *Chap.461*
ACCOUNT OF RACE OR COLOR.

Be it enacted, etc., as follows:

SECTION 1. Whoever makes any distinction, discrimination or restriction on account of color or race, or except for good cause, applicable alike to all persons of every color and race whatsoever, in respect to the admission of any person to or his treatment in any theatre, skating rink or other public place of amusement, whether such theatre, skating rink or place be licensed or not, or public conveyance, public meeting, inn, barber shop or other public place kept for hire, gain or reward, whether licensed or not licensed, or whoever aids or incites such distinction, discrimination or restriction shall, for each and every such offence, forfeit and pay to the person aggrieved thereby a sum not less than twenty-five dollars nor more than three hundred dollars, to be recovered in an action of tort in any court of competent jurisdiction in the county where the said offence shall have been committed, and shall also be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year, or both such fine and imprisonment: *provided*, that no person aggrieved shall recover, as hereinbefore permitted, against more than one person by reason of any one instance of such distinction, discrimination or restriction.

Penalty for discrimination, etc., in public places on account of race or color.

Proviso.

SECTION 2. Section one of chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-five and chapter four hundred and thirty-six of the acts of the year eighteen hundred and ninety-three are hereby repealed.

Repeal.

Approved June 4, 1895.

AN ACT TO PROTECT MANUFACTURERS FROM THE USE OF COUNTERFEIT LABELS AND STAMPS. *Chap.462*

Be it enacted, etc., as follows:

SECTION 1. Any person, association or union may adopt a label, trade-mark, stamp or form of advertisement not previously owned or adopted by any other person, association or union, and may file the same for record in the office of the secretary of the Commonwealth, by leaving two copies, counterparts or facsimiles thereof, with

Adoption of labels, trade-marks, etc.

Adoption of
labels, trade-
marks, etc.

said secretary; and shall file therewith a certificate specifying the name or names of the person, association or union so filing such label, trade-mark, stamp or form of advertisement, his or its residence, location or place of business, the class of merchandise and the particular description of goods comprised in such class to which it has been or is intended to be appropriated, and the length of time, if any, during which it has been in use. Such certificate shall be accompanied by a written declaration, verified under oath by the person or some officer of the association or union by whom it is filed, to the effect that the party so filing such label, trade-mark, stamp or form of advertisement has a right to the use of the same, and that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimiles, copies or counterparts filed therewith are true and correct. There shall be paid for such filing the fee of one dollar. Said secretary shall deliver to such person, association or union so filing the same a duly attested certificate of the record of the same, for which he shall receive the fee of one dollar. Such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, stamp, trade-mark or form of advertisement. No label, trade-mark, stamp or form of advertisement shall be recorded that would reasonably be mistaken for a label, trade-mark, stamp or form of advertisement already on record.

Fee for filing,
etc.

Rules, regula-
tions and forms
for filing, etc.

SECTION 2. The secretary of the Commonwealth is authorized to make rules and regulations, and prescribe forms for the filing of labels, trade-marks and forms of advertisement under the provisions of this act.

Use, manufact-
ure or sale of
counterfeits
may be
restrained, etc.

SECTION 3. The owner of any such label, trade-mark, stamp or form of advertisement recorded as provided in section one of this act, may proceed by suit to enjoin the manufacture, use or sale of any such counterfeits or imitations, and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use or sale, and shall award the complainant in such suit such damages resulting from such wrongful manufacture, use or sale as may by said court be deemed just and reasonable, and shall require the defendant to pay to such person, association or union the profits derived from such wrongful man-

ufacture, use or sale; and such court may also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant, to be destroyed. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by an officer of such association or union, on behalf of and for the use of such association or union, and every member of such association or union shall be liable for costs in any such proceedings.

SECTION 4. Every person who, without authority from the owner of a label, trade-mark, stamp or form of advertisement recorded as aforesaid, shall make or use any counterfeit or imitation of such label, trade-mark, stamp or form of advertisement, knowing the same to be counterfeit or imitation, and every person who, without authority from such owner, shall affix, impress or use such label, trade-mark, stamp or form of advertisement upon any goods shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Penalty for unauthorized use of labels, etc.

SECTION 5. Every person who shall sell goods upon which such label, trade-mark, stamp or form of advertisement recorded as aforesaid, or any counterfeit or imitation thereof shall be unlawfully impressed, affixed or used, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment, unless such person shall show that at the time such goods came into his possession he did not know that the impression, affixing or use of such label, trade-mark, stamp or form of advertisement was unlawful.

Penalty for sale of goods unlawfully labelled, etc.

SECTION 6. In any suit or prosecution under the provisions of this act the defendant may show that he or it was the owner of such label, trade-mark or form of advertisement, prior to its being filed under the provisions of this act, and that it has been filed wrongfully or without right by some other person, association or union.

Defendant in any suit, etc., may show prior ownership.

SECTION 7. Chapter four hundred and forty-three of the acts of the year eighteen hundred and ninety-three is hereby repealed. But this repeal shall not affect any legal proceedings, civil or criminal, instituted under or by virtue of said act; and all labels, trade-marks, stamps and advertisements already recorded according to the provisions of

Repeal, etc.

section four of said chapter, shall be deemed to have been duly recorded according to the provisions of this act.

Approved June 4, 1895.

Chap. 463 AN ACT RELATIVE TO THE ANNUAL EXPENDITURES AND REPORT OF THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows :

Gas and electric
light commis-
sioners, ex-
penses.

SECTION 1. The board of gas and electric light commissioners may expend not exceeding three thousand dollars annually in procuring statistics, books and stationery, and for their necessary incidental expenses. They may also expend not exceeding three thousand dollars annually for clerical assistance: *provided*, that not more than two thousand dollars a year shall be paid to the clerk of said board. The amount expended under this section shall be assessed and collected as now provided by law for the assessment and collection of the other expenses of said board.

Proviso.

Annual report.

SECTION 2. Thirty-five hundred copies of the report of said board shall be printed annually as a public document, and shall be ready for distribution on the first Wednesday of January or as soon thereafter as may be.

Repeal.

SECTION 3. Chapter three hundred and fifty-one of the acts of the year eighteen hundred and ninety-one, and so much of chapter three hundred and ninety-three of the acts of the year eighteen hundred and ninety-four as is inconsistent herewith, are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved June 4, 1895.

Chap. 464 AN ACT TO INCORPORATE THE MASSACHUSETTS SHIP CANAL COMPANY.

Be it enacted, etc., as follows :

Massachusetts
Ship Canal
Company in-
corporated.

SECTION 1. Oliver Ames, Benjamin J. Berry, John H. Dane, Charles A. Campbell, William F. Humphrey, Henry N. Berry, Isaac C. Wyman, Charles P. Mudge, Albert W. Hurd, Benjamin F. Peach, Jr., Joseph T. Wilson and George W. Eldredge, their associates and successors, are hereby made a corporation by the name of the Massachusetts Ship Canal Company, and as such shall have perpetual succession, and by that name may sue and be sued, plead and be impleaded, in law and equity, and purchase, receive, hold and convey real and personal estate, and the same retain to themselves, their successors

and assigns, so far as it shall be necessary for their accommodation and convenience in the transaction of their business, and such as is in good faith conveyed to them by way of security or in satisfaction of debt, with all the privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to railroad corporations, so far as they may be applicable, except as hereinafter provided.

SECTION 2. The capital stock of said corporation shall be seven and a half million dollars, divided into shares of one hundred dollars each; and said corporation may issue coupon or registered bonds to an amount not exceeding in the aggregate the authorized capital stock of said corporation. Such bonds shall be issued in conformity with the provisions of sections sixty-two to seventy-three, inclusive, of chapter one hundred and twelve of the Public Statutes as amended by chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty-seven, so far as applicable, and said corporation may mortgage or pledge as security for the payment of such bonds a part or all of its real or personal property or franchise then owned or thereafter to be acquired. Said corporation may issue stock and bonds in payment for labor performed and material furnished in the construction of said canal, and of property acquired for that purpose, and to provide means for funding its floating debt or for the payment of money borrowed for any lawful purpose.

Capital stock
and bonds.

SECTION 3. Said corporation may locate, construct, maintain and operate a canal, beginning at some convenient point in Nantucket sound, near the point where Bass river, so-called, in the towns of Dennis and Yarmouth, empties into said Nantucket sound, and extending thence to some convenient point in Massachusetts bay or Cape Cod bay, following the bed of said Bass river during so much of its course as may be deemed advantageous to said corporation; may locate, construct and maintain all such wharves, docks, structures and works as may be convenient or necessary, and may maintain and operate steam vessels for transportation, or steam tugs, or use any other means or methods for assisting vessels in their approach to and passage through and from the canal. Said canal when constructed shall have a depth of not less than twenty-three feet at mean low water, and shall be of a width of

May construct
and operate a
canal, etc.

May construct
wharves, etc.,
operate steam
vessels, etc.

not less than seventy-five feet at the bottom and not less than two hundred feet at the top, or any part of said canal may be constructed of wood, stone or other material, one hundred and fifty feet wide, vertical. All materials excavated from tide waters shall be disposed of to the satisfaction of the harbor and land commissioners, and the construction of the approaches from deep water to either end of the canal shall be subject to their supervision. Said canal when completed shall be under the jurisdiction of the harbor and land commissioners.

Disposition of materials excavated from tide waters, etc.

Location, etc.

SECTION 4. Said corporation may have its location not exceeding one thousand feet wide, and shall file the location thereof within six months from the passage of this act with the county commissioners for the county of Barnstable, defining the courses, distances and boundaries thereof. But said corporation shall not commence the construction of its canal until five hundred thousand dollars of its capital stock has been subscribed, and one hundred thousand dollars thereof paid in cash to the treasurer of the corporation.

May take land, materials, etc.

SECTION 5. Said corporation may from time to time take by purchase or otherwise land and materials necessary for making or securing its canal, breakwaters, basins, docks, wharves or other structures or works, in the manner in which land or material is taken for the construction of railroads.

Damages.

SECTION 6. Said corporation shall pay all damages occasioned by laying out, making and maintaining its canal, and by taking any land or materials therefor: and such damages shall on the application of either party be estimated by the county commissioners in the manner provided in case of the laying out, making and maintaining of railroads.

Parties dissatisfied may apply for a jury.

SECTION 7. Either party, if dissatisfied with the estimate of the county commissioners, may at any time within one year after the award of the county commissioners has been made, apply for a jury to assess the damages. The proceedings thereon shall be the same as for the recovery of damages for land taken by railroad companies.

Crossing of canal by New York, New Haven and Hartford Railroad Company, etc.

SECTION 8. Said corporation shall, within six months from the passage of this act, apply to the boards of railroad commissioners and of harbor and land commissioners, who, for the purposes hereinafter stated, are constituted a joint board, to determine what provision shall be made by

the canal company for the crossing of said canal by the New York, New Haven and Hartford Railroad Company, and at what point such crossing shall be made by a railroad drawbridge, and for crossings for the public where the canal cuts through highways. Said joint board, after giving to all parties interested such notice as they shall deem sufficient, shall determine said matters, and shall decide what arrangement shall be made for the temporary crossing of the location of the canal company while the drawbridge is being built, and shall further decide at what time said railroad company shall commence to use said new bridge and its approaches, and the decision of a majority of said joint board shall be final. Said canal company shall comply with said decision, building and maintaining such bridges and furnishing such means of crossing said canal as shall be determined by said joint board, but the time taken by said joint board, from the date of said petition to said joint board to the date of their decision, shall be taken as additional time to all time limits and requirements set forth in this act. In case the location of said railroad is changed where the same crosses the location of said canal the former location shall become the property of said canal company from and after the time when said railroad company commences to use said new location.

Crossing of canal by New York, New Haven and Hartford Railroad Company, etc.

SECTION 9. Said canal company shall appoint a superintendent and all necessary assistants for every drawbridge over and ferries across said canal, which superintendents and assistants shall be acceptable to the railroad commissioners. Said superintendent shall have full and absolute control over the drawbridge and ferries under his charge, subject to such rules and regulations as may from time to time be made or approved by said railroad commissioners. In case of injury to or destruction of the railroad bridge over the canal the railroad company may repair or rebuild it, and recover the reasonable expense thereof from the canal company in an action of contract, unless such injury or destruction was caused by the fault of the railroad company, or unavoidable casualty.

Appointment of superintendents, etc., for drawbridges, etc.

SECTION 10. Said railroad company shall have its location, not exceeding five rods in width, upon any land owned or located upon by said canal company, up to the bridge where it crosses the canal, on each side thereof: *provided*, that all reasonable use of said location by said canal company for the purpose of operating its canal, and

Location of railroad company, etc.

Proviso.

under the direction of the railroad commissioners, shall be permitted by the railroad company without payment of rent to the railroad company.

Penalty for opening or obstructing draw, etc.

SECTION 11. Whoever unnecessarily opens or obstructs any draw without the consent of the superintendent, or without such consent makes fast or moors any scow, raft or other vessel to a bridge within wake of the draw, or neglects or refuses, upon request, to unmoor such vessels, shall be punished by fine of not less than three dollars nor more than fifty dollars.

Penalty for damages to bridges, piers, etc.

SECTION 12. Whoever wilfully injures or damages any bridge, wharf or pier, or wilfully disturbs or hinders the superintendent in the discharge of his duties, shall forfeit to said canal company for each offence a sum not exceeding one hundred dollars, and be further liable in damages to said canal company.

P.S. 112, §§ 148 to 155, to apply.

SECTION 13. The provisions relating to drawbridges contained in sections one hundred and forty-eight to one hundred and fifty-five, inclusive, of chapter one hundred and twelve of the Public Statutes, shall extend to said railroad bridge so far as applicable, except that such drawbridge may be kept open at all times except when required to be closed for the actual passage of trains, and except that a railroad train shall be allowed five minutes to cross said draw instead of fifteen minutes, as provided in section one hundred and fifty of said chapter. And the same penalties and forfeitures provided in section one hundred and fifty-four of said chapter shall also be in force and may be recovered of said railroad company, or any engineer or any superintendent of said bridge, in like manner as therein provided in case of the violation of any of the provisions of sections one hundred and fifty-one and one hundred and fifty-three of said chapter.

Penalties and forfeitures.

Toll upon vessels, etc., using canal.

SECTION 14. Said canal company may establish for its sole benefit a toll upon all vessels or water craft of whatever description which may use its canal, at such rates as the directors thereof may determine, and may from time to time regulate such use in all respects as said directors may determine. Said corporation shall also furnish towage through said canal for all vessels or water craft which require it, for which service it may establish for its sole benefit a toll at such rates as said directors may determine.

Towage.

Penalty for evading payment of toll, etc.

SECTION 15. Whoever fraudulently evades or attempts to evade the payment of any toll lawfully established under

this act, either by misrepresenting the register or draught of any vessel or otherwise, shall be punished by a fine of not less than fifty nor more than five hundred dollars, said penalty to be paid over to said canal company.

SECTION 16. To defray the expenses and compensate the county commissioners for services rendered under this act it shall be the duty of said canal company to pay each of said commissioners the sum of five dollars a day for time actually spent in the discharge of their duties: *provided*, that said canal company shall not be required to pay either of said commissioners for more than fifty days' service in one year.

Compensation of county commissioners, etc.

Proviso.

SECTION 17. Whoever wilfully and maliciously obstructs the passing of any vessel or steam tug or other water craft, in said canal, or obstructs the approaches to said canal within two thousand feet of either extremity thereof, or in any way injures said canal, or its banks, breakwaters, docks, wharves, locks, gates or other structures or works, or anything appertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall forfeit to the use of said canal company, for such offence, treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort in the name of said canal company; and may further be punished by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding one year.

Penalty for obstructing approaches to canal, etc.

SECTION 18. Said canal company shall pay to the secretary of the Commonwealth, on receiving the certificate of incorporation, the sum of fifty dollars; and shall also pay to the treasurer of the Commonwealth such sums of money as shall be fixed by the governor and council as compensation for the services and expenses of the boards of railroad commissioners and of the harbor and land commissioners for performing the duties imposed on them as a joint board under the provisions of this act. Said allowance for expenses shall include the compensation for such expert engineers as may be employed by said joint board.

Payments to secretary and treasurer of the Commonwealth.

SECTION 19. Said canal company shall not be required to pay any taxes to the Commonwealth until the canal shall have been opened for use for three years. And until the expiration of said three years the property of said canal company shall be exempt from local taxation, except that the towns of Dennis and Yarmouth may tax

To be exempt from payment of certain taxes.

the real estate taken by said canal company, at a value not exceeding the assessed valuation at the time of such taking.

May be declared void unless certain conditions are complied with.

SECTION 20. Unless before the first day of December in the year eighteen hundred and ninety-six five hundred thousand dollars of said capital stock has been subscribed, and one hundred thousand dollars paid in and actually used for the construction of said canal, this act may be declared void by the supreme judicial court, on the application of five citizens of this Commonwealth.

To give bonds, etc.

SECTION 21. Said canal company shall before entering upon, removing, altering or otherwise interfering with any public highway crossing the proposed line of said canal, give to each of the towns of Yarmouth and Dennis a bond, with sureties satisfactory to the selectmen of said towns, respectively. The penal sum of each of said bonds shall not exceed fifty thousand dollars, and the bonds shall be conditioned to save said towns, respectively, harmless from all loss and expense occasioned by the removal or alteration of, or interference with, said public highways by reason of the construction of said canal.

Canal to be constructed within five years, etc.

SECTION 22. Said canal company shall, within five years from the date of its charter, construct or otherwise complete said canal. And if said canal company fails to comply with the requirements of this section this act may be declared void, as provided in section twenty, and all buildings, machinery and personal property of said canal company located on said canal shall become the property of the Commonwealth, and the location of the canal shall become the property of the towns in which it is situated.

To deposit \$150,000 with the treasurer of the Commonwealth, etc.

SECTION 23. The provisions of this act shall be null and void unless said canal company deposits with the treasurer of the Commonwealth the sum of one hundred and fifty thousand dollars within six months after the passage of this act, which sum shall be forfeited to the Commonwealth unless the work of construction is commenced within one year and completed within five years from the passage of this act. Said sum of one hundred and fifty thousand dollars shall be refunded to said canal company when said canal is in operation, if not forfeited under the provisions of this section.

Issues of stock and bonds to be approved by joint board.

SECTION 24. All issues of stock and bonds under the provisions of this act shall be subject to approval and certification by the joint board provided for in section

eight of this act, in the manner provided in chapter four hundred and sixty-two of the acts of the year eighteen hundred and ninety-four relative to the issue of stock and bonds by railroad and street railway companies.

SECTION 25. This act shall take effect upon its passage.

Approved June 4, 1895.

AN ACT TO INCREASE THE EFFICIENCY OF THE MILITIA.

Chap. 465

Be it enacted, etc., as follows:

SECTION 1. No person, except the judge advocate general and four aides-de-camp, shall be eligible to appointment on the staff of the commander-in-chief unless he has served at least three years in the volunteer militia of this Commonwealth, or unless he has been honorably discharged or retired from the military or naval service of the United States.

Eligibility to appointment on staff of commander-in-chief.

SECTION 2. The allowance to the adjutant general for such additional clerks and other assistants as may be necessary to conduct the business of his department, and of the quartermaster's and ordnance bureau, as provided in section thirteen of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three, shall be increased from six thousand dollars to six thousand three hundred dollars a year.

Certain allowance to adjutant general increased.

SECTION 3. The relative rank of commissioned officers of the same grade and date of commission shall only be determined by lot as provided in section thirty-three of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three, where there has been no previous military service. Such previous service shall count, as in the army or navy of the United States, and in the volunteer militia or enrolled militia of this Commonwealth only, and in the order herein named.

Rank of commissioned officers, how determined in certain cases.

SECTION 4. The commander-in-chief may, at any time, retire any commissioned officer who shall have been by him ordered before a medical board consisting of at least three commissioned medical officers, or a retiring board consisting of at least three commissioned officers, and upon whom such a board shall have made report showing such officer to be physically or otherwise unable to properly perform the duties of his office.

Certain officers may be retired.

Use of
armories.

SECTION 5. Armories provided for the militia under the provisions of chapter three hundred and eighty-four of the acts of the year eighteen hundred and eighty-eight shall not be used except by the active militia of this Commonwealth, and they shall not be loaned or let to any one except for a proper military purpose, and then only when the application is approved by the commander-in-chief and intermediate commanders.

Drilling, parading, etc., with
firearms of
associations
other than the
militia, etc.

SECTION 6. No body of men whatsoever, other than the regularly organized corps of the militia, the troops of the United States and the Ancient and Honorable Artillery Company of Boston, shall maintain an armory or associate themselves together at any time as a company or organization, for drill or parade with firearms, in any city or town of this Commonwealth; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming or in any way supporting, sustaining or providing drill rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for the purpose of escort duty at the burial of deceased soldiers, having first obtained the written permission so to do of the mayor and aldermen of the cities or selectmen of the towns in which they desire to parade; and *provided, further*, that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with firearms in public, under the superintendence of their teachers. This section shall not be construed to prevent any organization heretofore authorized thereto by law from parading with sidearms, or to prevent any veteran association comprised wholly of past members of the militia of this Commonwealth from maintaining an armory for the use of the organizations of the said militia from which the said veteran association originated.

Provisos.

Penalty for
parading, etc.,
contrary to
law, etc.

SECTION 7. Whoever violates the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with firearms, shall be punished by a fine not exceeding fifty dollars or by imprisonment in the house of correction or common jail for a term not exceeding six months, or both.

SECTION 8. The commander of an ambulance corps shall receive an allowance of fifty dollars per annum for the care of and responsibility for military property of the Commonwealth in his charge, in lieu of the allowance heretofore provided in section one hundred and twenty-eight of chapter three hundred and sixty seven of the acts of the year eighteen hundred and ninety-three.

Allowances to commanders of ambulance corps.

SECTION 9. So much of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three as is inconsistent herewith is hereby repealed.

Repeal.

Approved June 4, 1895.

AN ACT TO CONFIRM THE NEW DIVISION OF THE CITY OF LOWELL INTO NINE WARDS. Chap. 466

Be it enacted, etc., as follows:

SECTION 1. The new division of the city of Lowell into nine wards, made in pursuance of the authority conferred by an act to provide for the re-division of the city of Lowell into wards, approved on the sixth day of April in the year eighteen hundred and ninety-five, is hereby ratified and confirmed.

New division into wards confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE WORCESTER LUNATIC HOSPITAL TO SELL AND CONVEY CERTAIN LANDS. Chap. 467

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Worcester lunatic hospital are hereby authorized to sell and convey to the city of Worcester, on such terms and conditions as said trustees may approve, a tract of land not exceeding six acres in extent, comprising part of the land purchased for and appropriated to the use of said hospital; and said trustees are authorized to apply the proceeds of said sale to such hospital purposes as they shall deem proper: *provided, however*, that no portion of the proceeds of said sale shall be used for the payment of current expenses of said hospital.

May sell and convey certain land.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

Chap.468 AN ACT TO AUTHORIZE THE FALL RIVER IRON WORKS COMPANY
TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May increase
capital stock.

SECTION 1. The Fall River Iron Works Company is hereby authorized to increase its capital stock to an amount not exceeding two million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

Chap.469 AN ACT RELATIVE TO SENTENCE IN CRIMINAL CASES.

Be it enacted, etc., as follows:

Sentence to be
imposed in
certain cases.

SECTION 1. On conviction of any offence not punishable by death, sentence shall be imposed notwithstanding exceptions or appeal.

Entry of appeal,
etc., not to stay
execution of
sentence in
certain cases.

SECTION 2. The reserving, filing or allowing of exceptions, or the entry of an appeal, shall not stay execution of sentence unless the justice imposing sentence, or some justice of the supreme judicial court, shall file a certificate that in his opinion there is reasonable doubt whether the judgment should stand.

Custody of
defendant, etc.,
when stay of
proceedings is
ordered.

SECTION 3. When a stay of proceedings is ordered as provided in the preceding section the judge may at the same time make such order as the case requires for the custody of the defendant or for admitting him to bail.

Repeal.

SECTION 4. Section twelve of chapter one hundred and fifty-three of the Public Statutes, and section one of chapter three hundred and sixty-two of the acts of the year eighteen hundred and ninety-one, so far as they apply to criminal cases, are hereby repealed.

Approved June 4, 1895.

Chap.470 AN ACT PROVIDING FOR REPAIRS ON THE COURT HOUSE AT
TAUNTON.

Be it enacted, etc., as follows:

County commis-
sioners may
borrow a
certain sum.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized to borrow on the credit of said county a sum not exceeding fifteen thousand dollars for the purpose of making necessary repairs on the roof of the court house at Taunton.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1895.

AN ACT TO REGULATE STEAM ENGINEERING.

Chap. 471

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person to have charge of or to operate a steam boiler or engine in this Commonwealth, except locomotive boilers and engines, boilers in private residences, boilers under the jurisdiction of the United States, and boilers used for agricultural purposes exclusively or of less than eight horse power, unless he holds a license as hereinafter provided; and it shall be unlawful for any owner or user of any steam boiler or engine, other than those above excepted, to operate or cause to be operated a steam boiler or engine for a period of more than one week without a duly licensed engineer or fireman in charge.

Persons in charge of certain steam boilers, etc., to be licensed.

SECTION 2. Any person desiring to act as an engineer or fireman shall make application to so act to an examiner of engineers, upon blanks furnished by the examiner, and if upon examination the applicant is found trustworthy and competent a license shall be granted to said applicant to have charge of or to operate such steam plants as the examiner may find him qualified to have in keeping. Such license shall continue in force for three years unless after proper hearing it is sooner revoked, for intoxication or other sufficient cause, and may be renewed every three years on application to the authority granting the same, or at such time as may be determined by said authority.

Granting of licenses, etc.

SECTION 3. Licenses shall be granted according to the competency of the applicant, and shall be divided into classes as follows:—First Class. Engineers' licenses of this class shall be unlimited as to horse power. Second Class. Engineers' licenses of this class shall be limited to one hundred and fifty horse power. Third Class. Engineers' licenses of this class shall be limited to fifty horse power. A fireman's license shall be issued to any person who, after having passed an examination, as herein provided, shall have been found competent to take charge of or to operate any steam boiler or boilers. Any person desiring to operate any particular steam plant may so state to the examiner, and he shall be examined as to his fitness to operate that particular plant, and if found competent and trustworthy shall be granted a license, termed a special license, for that particular plant, and such license shall be in force for three years.

Classes of licenses, etc.

Fee for examination.

SECTION 4. The fee for examination for applicants for license shall be one dollar, to be paid at the time of the application for examination, and one dollar for each renewal of license. All sums paid as aforesaid shall be received by the examiner, and shall be paid over by him monthly to the treasurer of the Commonwealth if such examiner is a member of the district police, otherwise to the treasurer of the town or city by which such examiner is employed.

Examiners.

SECTION 5. The members of the boiler inspection department of the district police shall act as examiners and enforce the provisions of this act.

Duties of examiners.

SECTION 6. It shall be the duty of the examiners to notify every person operating a boiler or engine mentioned in section one and not included among the exceptions therein specified, to apply for a license under this act and to give such person a reasonable opportunity to take an examination therefor within the town or city in which he is engaged in operating such boiler or engine. The examiner shall issue a license or shall notify the applicant of his rejection within forty-eight hours after his examination.

Persons dissatisfied may appeal to chief of district police.

SECTION 7. Any person dissatisfied with the action of an examiner in refusing or in revoking a license may appeal to the chief of the district police, whose decision shall be final.

Penalty.

SECTION 8. Whoever, after being notified as provided in section six, intentionally violates the provisions of section one of this act shall be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding three months.

To take effect Aug. 1, 1895, etc.

SECTION 9. This act shall take effect on the first day of August in the year eighteen hundred and ninety-five, and any person applying for a license as engineer or fireman on or before that date shall be deemed to have complied with the provisions of this act until his application is passed upon or rejected by the proper authorities.

Approved June 5, 1895.

Chap. 472 AN ACT TO ESTABLISH THE OLD COLONY COMMISSION AND DEFINE ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

Old Colony Commission, appointment, term, etc.

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint three discreet persons to be known as the Old Colony Commission, who shall

hold office for one year from the first day of June in the year eighteen hundred and ninety-five. It shall be the duty of said commission to investigate certain spots of general historic interest within the counties of Bristol, Barnstable, Plymouth, Norfolk and Nantucket, and collect such historical information in relation thereto as it shall deem expedient.

SECTION 2. Said commission shall have authority to prepare maps or plans of such places, and may mark them with bounds or monuments with suitable inscriptions thereon for the purpose of preserving them. It may employ such assistants as it may deem necessary, and may expend such sums of money not exceeding five hundred dollars in the discharge of its duties, including the actual travelling expenses of the members of said commission, as the governor and council may approve; but the members of said commission shall receive no compensation for their services.

May prepare maps, etc., employ assistants, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 473

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year and for certain other expenses authorized by law, to wit:—

Appropriations.

For the salary of the first deputy controller of county accounts, as authorized by chapter one hundred and seventy-five of the acts of the present year, the sum of seventy-five dollars, the same to be in addition to any amounts heretofore appropriated for the same purpose.

First deputy controller of county accounts.

For such additional clerical assistance and for such expenses of the bureau of statistics of labor as may be necessary to enable the chief of said bureau to print and distribute a bulletin for the purpose of disseminating information respecting the state of employment, and other information relative to industrial conditions, as authorized by chapter two hundred and ninety of the acts of the

Additional clerical assistance.

present year, a sum not exceeding one thousand dollars, the same to be in addition to the five thousand dollars appropriated by chapter fifty of the acts of the present year.

Assistant clerk.

For the salary of an assistant clerk for the board of railroad commissioners, as authorized by chapter three hundred and thirteen of the acts of the present year, a sum not exceeding eight hundred and fifty dollars.

Publication of certain special laws.

For the publication of certain special laws, as authorized by chapter one hundred and ten of the resolves of the year eighteen hundred and ninety-four, the sum of nineteen hundred forty-two dollars and thirty-six cents, the same to be in addition to the four thousand dollars appropriated by chapter five hundred and forty-six of the acts of the year eighteen hundred and ninety-four.

Construction of new normal school buildings.

For the construction of the new state normal school buildings in the cities of Fitchburg, Lowell and North Adams and that portion of the town of Barnstable known as Hyannis, as authorized by chapter three hundred and forty-five of the acts of the present year, a sum not exceeding one hundred thousand dollars, the same to be in addition to the amounts authorized by chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-four.

Second supplement to Public Statutes.

For expenses in connection with the preparation and publication of a second supplement to the Public Statutes, as authorized by chapter three hundred and sixty-three of the acts of the present year, a sum not exceeding five thousand dollars.

Clerical assistance.

For clerical assistance in the office of the register of probate and insolvency for the county of Suffolk, as authorized by chapter three hundred and sixty-four of the acts of the present year, a sum not exceeding eighteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Agent for aiding discharged prisoners.

For the salary of the agent for aiding discharged prisoners, as authorized by chapter three hundred and eighty-three of the acts of the present year, a sum not exceeding two hundred dollars, the same to be in addition to the one thousand dollars authorized by chapter sixteen of the acts of the present year.

Assistant bookkeeper.

For the salary of an assistant bookkeeper in the department of the treasurer and receiver general, as authorized by chapter three hundred and ninety-two of the acts of

the present year, a sum not exceeding eight hundred dollars.

For the compensation of an additional district police officer, as authorized by chapter three hundred and ninety-six of the acts of the present year, a sum not exceeding nine hundred dollars.

Additional district police officer.

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding one thousand dollars, the same to be in addition to the sixteen thousand five hundred dollars appropriated by chapter fifty of the acts of the present year.

Additional clerks and assistants.

For a messenger and such additional clerical assistance as the secretary of the Commonwealth may find necessary for the proper despatch of public business in his office, as authorized by chapter four hundred and two of the acts of the present year, a sum not exceeding three thousand dollars, the same to be in addition to the thirteen thousand dollars authorized by chapter fifty of the acts of the present year.

Messenger and additional clerical assistance.

For incidental and contingent expenses in the department of the secretary of the Commonwealth, a sum not exceeding eight hundred dollars, the same to be in addition to the thirty-five hundred dollars appropriated by chapter thirty-eight of the acts of the present year.

Secretary of the Commonwealth, expenses.

For printing copies of a portion of the report of the harbor and land commissioners, authorized by chapter nineteen of the resolves of the present year, the sum of twenty-four dollars and nineteen cents, the same to be in addition to the fifteen hundred dollars authorized by chapter two hundred and eighty-nine of the acts of the present year.

Report of harbor and land commissioners.

For Jane Parks, as authorized by chapter seventy-three of the resolves of the present year, the sum of two hundred dollars.

Jane Parks.

For the widow of Peleg Emory Aldrich, as authorized by chapter seventy-five of the resolves of the present year, the sum of four thousand three hundred seventy-six dollars and twenty-five cents.

Widow of Peleg Emory Aldrich.

For the widow of Edward P. Loring, as authorized by chapter seventy-six of the resolves of the present year, the sum of four hundred twenty-three dollars and thirty-nine cents.

Widow of Edward P. Loring.

Reformatory prison for women.	For repairs and improvements at the reformatory prison for women, as authorized by chapter seventy-seven of the resolves of the present year, a sum not exceeding twelve thousand dollars.
Stephen F. Madden.	For Stephen F. Madden, as authorized by chapter seventy-eight of the resolves of the present year, the sum of five hundred dollars.
Lunatic hospital at Northampton.	For certain improvements at the state lunatic hospital at Northampton, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding fifty thousand dollars.
Patrick McIntee.	For Patrick McIntee, as authorized by chapter eighty of the resolves of the present year, the sum of five hundred dollars.
Sanitary condition of Neponset meadows.	For expenses in connection with investigating the sanitary condition of the Neponset meadows, as authorized by chapter eighty-three of the resolves of the present year, a sum not exceeding three thousand dollars.
Normal school at Worcester.	For certain repairs at the state normal school at Worcester, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding twenty thousand dollars.
Massachusetts reformatory.	For the construction of workshops and for certain repairs at the Massachusetts reformatory, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding twelve thousand five hundred dollars.
Medfield insane asylum.	For furnishing the new buildings of the Medfield insane asylum, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding forty thousand dollars.
Compensation of senators.	For the compensation of senators, as authorized by chapter eighty-eight of the resolves of the present year, the sum of seven hundred and fifty dollars, the same to be in addition to the thirty thousand seven hundred and fifty dollars authorized by chapter one of the acts of the present year.
Prison for confinement of minor offenders.	For obtaining plans for a prison for the confinement of minor offenders, as authorized by chapter eighty-nine of the resolves of the present year, a sum not exceeding three hundred dollars.
State prison.	For certain repairs and improvements at the state prison, as authorized by chapter ninety of the resolves of the present year, a sum not exceeding six thousand dollars.

For the purchase of a portrait of Henry Wilson, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding five hundred dollars.

Portrait of
Henry Wilson.

For the publication of the historical address delivered in the house of representatives by Alfred S. Roe of Worcester, as authorized by chapter ninety-two of the resolves of the present year, a sum not exceeding six hundred and fifty dollars, the same to be in addition to the amount authorized by chapter one hundred and seventy-seven of the acts of the present year.

Historical
address by
Alfred S. Roe.

For the salary of the state military and naval historian, as authorized by chapter one hundred and four of the resolves of the present year, which provides for the renewal of the appointment of said historian, a sum not exceeding nine hundred dollars; and for clerical assistance and other necessary expenses of said historian, a sum not exceeding seven hundred and fifty dollars, the same to be in addition to the eighteen hundred and fifty dollars appropriated by chapter thirteen of the acts of the present year.

State military
and naval
historian.

For Eugene A. Conner, as authorized by chapter one hundred and five of the resolves of the present year, the sum of two hundred and fifty dollars.

Eugene A.
Conner.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars.

Expenses of
legislative
committees.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT PROVIDING FOR CERTAIN CLASSES OF PROPERTY INSURANCE. *Chap. 474*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-nine of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by adding at the end of said section, the following words:—

1894, 522, § 29,
amended.

Seventh, To insure against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers and water pipes.

Eighth, To insure against loss or damage to property arising from accidents to elevators, bicycles and vehicles, except rolling stock of railways,—so as to read as fol-

Purposes for which companies may be formed.

lows : — *Section 29.* Insurance companies may be formed as provided in section thirty for any one of the following purposes, to wit : —

Loss by fire, etc.

First, To insure against loss or damage to property by fire, lightning, or tempest on land, upon the stock or mutual plan.

Loss by perils of the sea.

Second, To insure upon the stock or mutual plan, vessels, freights, goods, money, effects, and money lent on bottomry or respondentia, against the perils of the sea and other perils usually insured against by marine insurance, including risks of inland navigation and transportation.

Guaranty of fidelity, etc.

Third, To guarantee the fidelity of persons in positions of trust, private or public, and to act as surety on official bonds and for the performance of other obligations.

Damage by steam boiler explosions.

Fourth, To insure against loss or damage to property of the assured, or loss or damage to the life, person or property of another for which the assured is liable, caused by the explosion of steam boilers.

Accident to persons.

Fifth, To insure any person against bodily injury or death by accident, or any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said person, firm or corporation is responsible.

Breakage of plate glass.

Sixth, To insure against the breakage of plate glass, local or in transit.

Damage by water.

Seventh, To insure against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers and water pipes.

Damage from accidents to elevators, etc.

Eighth, To insure against loss or damage to property arising from accidents to elevators, bicycles and vehicles, except rolling stock of railways.

1894, 522, § 31, amended.

SECTION 2. Section thirty-one of said act is hereby amended by striking out in the ninth line, the word “or”, and by inserting in the tenth line, after the words “steam boiler insurance”, the words : — or for the transaction of the business authorized under the seventh or eighth paragraph of section twenty-nine of this act, — so as to read as follows : — *Section 31.* No corporation so formed shall transact any other business than that specified in its charter and articles of association. Companies to insure plate glass may organize with a capital of not less than one hundred thousand dollars. Companies so formed insuring marine or inland risks upon the stock plan shall have a capital of not less than three hundred thousand

To do only business specified in charter.

Minimum capital of stock companies.

dollars. Companies so formed for the transaction of fire insurance on the stock plan, of fidelity insurance, of accident insurance, of steam boiler insurance, or for the transaction of the business authorized under the seventh or eighth paragraph of section twenty-nine of this act shall have a capital of not less than two hundred thousand dollars. Companies may be so formed to insure mechanics' tools and apparatus against loss by fire for an amount not exceeding two hundred and fifty dollars in a single risk, with a capital of not less than twenty-five thousand dollars, divided into shares of the par value of ten dollars each.

Mutual companies heretofore organized to transact employers' liability insurance may continue such business under the fifth paragraph of section twenty-nine of this act, and such companies shall be subject to the laws, so far as applicable, in relation to mutual fire insurance companies. No company shall be required to have on deposit with the treasurer of the Commonwealth an amount in excess of what is sufficient to enable it to comply with the laws of the states in which it transacts business; and all sums in excess of this amount held on deposit with the treasurer of the Commonwealth or elsewhere shall be counted as of the surplus funds of the company.

SECTION 3. Section eighty of said act is hereby amended by adding at the end of said section the words:—*provided, however*, that a company authorized to transact within this Commonwealth the business of steam boiler insurance or the business authorized under the eighth paragraph of section twenty-nine of this act may also be permitted to transact the business authorized under the seventh paragraph of said section,—so as to read as follows:—*Section 80.* No foreign insurance company hereafter admitted to do business in the Commonwealth shall be authorized to transact more than one class or kind of insurance therein. But any company, domestic or foreign, engaged in this Commonwealth in the sole business of life insurance may, in connection therewith, also engage in the business of insuring against bodily injury or death by accident, by increasing its capital to the amount now required of two separate companies engaged in either one of these two classes of business; and no company now or hereafter admitted shall be allowed to transact both of said classes of business unless it possesses an aggregate capital equal to that required of two

Certain mutual companies may continue business of employers' liability insurance, etc.

1894, 522, § 80, amended.

To transact but one class of insurance, except, etc.

Proviso.

separate companies engaged in either one of these classes of business: *provided, however*, that a company authorized to transact within this Commonwealth the business of steam boiler insurance or the business authorized under the eighth paragraph of section twenty-nine of this act may also be permitted to transact the business authorized under the seventh paragraph of said section.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 475 AN ACT RELATIVE TO THE ESTABLISHMENT OF TEXTILE SCHOOLS.

Be it enacted, etc., as follows:

Establishment
of textile
schools in cities.

SECTION 1. In any city of this Commonwealth whose mayor shall, on or before the first day of July in the year eighteen hundred and ninety-five, file a certificate with the commissioner of corporations that said city has in operation four hundred and fifty thousand or more spindles, not less than seven nor more than twenty persons, citizens of this Commonwealth, may associate themselves together by an agreement in writing for the purpose of establishing and maintaining a textile school for instruction in the theory and practical art of textile and kindred branches of industry, with authority to take, by gift or purchase, and hold personal and real estate to the amount of three hundred thousand dollars. A copy of said agreement and of the signatures thereto, sworn to by any one of the subscribers, shall be submitted to the governor, and if he shall certify his approval of the associates as suitable for the purposes of their association and of this act, said associates shall, for said purposes, after due and proper organization by the adoption of by-laws and the election of officers, and after filing a certificate of such organization and the certificate of the approval of the governor with the secretary of the Commonwealth, be and remain a corporation, with all the powers and privileges and subject to all the duties and obligations of corporations organized for educational purposes under chapter one hundred and fifteen of the Public Statutes. Said corporation shall be known as the Trustees of the Textile School of the place in which it is located, and shall have power to fill all vacancies in their number, however occurring, except as otherwise provided in this act. There shall be only one

school incorporated under the provisions of this act in one city.

SECTION 2. Any city in which such a corporation is organized may appropriate and pay to said corporation a sum of money not to exceed, in any case, the sum of twenty-five thousand dollars, and upon the appropriation and payment of said sum or any part thereof by any such city, the mayor and superintendent of schools of such city for the time being, shall be and become members of said corporation, and the mayor and superintendent of schools of such city shall thereafter be members of such corporation.

City may appropriate a certain sum, etc.

SECTION 3. Whenever any such city shall appropriate and pay to any such corporation any sum of money, or whenever the trustees or members of any such corporation shall pay into its treasury, for the purposes of the establishment and maintenance of such school, any sum of money, there shall be appropriated and paid to said corporation from the treasury of the Commonwealth a sum of money equal to the total amount thus appropriated and paid; but in no case shall there be paid to any such corporation by the Commonwealth any sum of money exceeding twenty-five thousand dollars, and upon the appropriation and payment of any sum of money by the Commonwealth for the purposes of any such school, the governor shall, with the advice and consent of the council, appoint two persons to be members and trustees of any such corporation for two and four years respectively, and thereafter such persons and their successors by similar appointment shall be and remain members of said corporation. The governor, with the advice and consent of the council, shall fill all vacancies however occurring in the membership created by this section.

Certain sum to be paid from treasury of the Commonwealth, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT RELATIVE TO THE COMPENSATION OF INSPECTORS OF ANIMALS AND PROVISIONS.

Chap. 476

Be it enacted, etc., as follows:

SECTION 1. One half of the compensation of inspectors of animals and provisions appointed under sections one and two of chapter four hundred and ninety-one of the acts of the year eighteen hundred and ninety-four,

Payment of compensation in certain cases.

Proviso.

in cities and towns of less than two and one half million dollars valuation, shall hereafter be paid from the treasury of the Commonwealth: *provided, however*, that no inspector shall receive from the Commonwealth more than two hundred and fifty dollars as compensation in any one year.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap.477 AN ACT TO AUTHORIZE THE LENOX WATER COMPANY TO SUPPLY A PORTION OF THE TOWN OF RICHMOND WITH WATER.

Be it enacted, etc., as follows:

May lay and maintain water pipes in portion of town of Richmond.

SECTION 1. The Lenox Water Company may lay and maintain water pipes for carrying water in that portion of the town of Richmond lying easterly of a line drawn from the northwesterly corner of the town of Stockbridge, northerly to the first angle in the division line between the towns of Richmond and Lenox, and for this purpose may carry its conduits, pipes and drains over or under any water course, street, highway or other way, in such manner as not to obstruct the same, and may, under the direction of the board of selectmen of the town of Richmond, enter upon and dig up any road or way for the purpose of laying its conduits, pipes and drains, in such manner as to cause the least hindrance to travel thereon, and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap.478 AN ACT RELATIVE TO THE PROTECTION OF THE WATER SUPPLY OF THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

1891, 114, § 1, amended.

SECTION 1. Section one of chapter one hundred and fourteen of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out in the seventh line, the words "within five years", by striking out all from and including the word "the", in the eighth line, to and including the word "that", in the twelfth line, and inserting in place thereof the words:—and all such real estate, lands and buildings thereon, easements, rights of way, rights of flowage, water rights, water

sources, water courses, dams, reservoirs and storage basins in the city of Fall River and town of Westport, as it may deem advisable, and may lay out, maintain and improve the same for the purposes aforesaid, and may make rules for the use and government of the same, and for breaches of such rules affix penalties, not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction: *provided, however*, that no lands in the town of Westport lying more than five hundred yards above the line of the present high water mark of said pond within said town shall be so taken, and no lands in said town of Westport shall be so taken after the first day of April in the year eighteen hundred and ninety-six; but,—by striking out in the fourteenth line, the words “shall be taken to extend back”, and inserting in place thereof the words:—may be taken to extend above and,—by striking out in the nineteenth line, the words “build and maintain”, and inserting in place thereof the words:—and build,—and by adding at the end of the section the words:—All such rights, easements and property, and the fee of such real estate and lands taken or acquired, shall vest in said city,—so as to read as follows:—

Section 1. The city of Fall River may, for the purpose of providing a reservoir and storage basin for the said city and preserving the purity of the waters to be held in the North Watuppa pond and distributed therefrom, and protecting and improving the shores and vicinity thereof, and providing a public parkway on the shores of said pond, at any time after the passage of this act, take and hold, by purchase or otherwise, any part of, and all such real estate, lands and buildings thereon, easements, rights of way, rights of flowage, water rights, water sources, water courses, dams, reservoirs and storage basins in the city of Fall River and town of Westport, as it may deem advisable, and may lay out, maintain and improve the same for the purposes aforesaid, and may make rules for the use and government of the same, and for breaches of such rules affix penalties, not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction: *provided, however*, that no lands in the town of Westport lying more than five hundred yards above the line of the present high water mark of said pond within said town shall be so taken, and no lands in said town of Westport shall be so taken after the first day of April in

May take certain lands, rights of way, etc.

Proviso.

the year eighteen hundred and ninety-six; but where promontories or points of land project into said pond said limit of five hundred yards may be taken to extend above and from a line drawn across the necks or bases of such promontories or points of land. And said city shall have authority to take any land now used as a highway in the town of Westport and lying within said limits; and in case of such taking said city shall relocate and build suitable and convenient ways in place thereof for the use of the public. All such rights, easements and property, and the fee of such real estate and lands taken or acquired, shall vest in said city.

1891, 114, § 3,
amended.

May make regu-
lations to pre-
serve purity of
water.

SECTION 2. Section three of said act is hereby amended by striking out all after the word "act", in the eighth line, — so as to read as follows: — *Section 3.* So long as North Watuppa pond shall be used by the city of Fall River for a reservoir, storage basin and water supply, or until otherwise provided by statute, the Commonwealth grants to said city the right to make such regulations concerning the use of the water in said pond as may be required to preserve the purity thereof and otherwise to carry out the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 479

AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE IN GREENFIELD TO BORROW MONEY FOR THE CONSTRUCTION OF A PUMPING STATION AND WORKS IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

Greenfield Fire
District Pump-
ing Station
Loan.

SECTION 1. Fire District Number One in the town of Greenfield, for the purpose of paying the necessary expenses of building and completing the pumping station, dams, conduits, pipes and other works incident thereto, authorized by chapter three hundred and thirty-five of the acts of the year eighteen hundred and ninety-five, may issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate five thousand five hundred dollars, such bonds, notes and scrip shall bear on their face the words, Greenfield Fire District Pumping Station Loan, shall be payable at the expiration of periods not exceeding ten years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum and shall be signed by the treasurer and be countersigned by the chairman of the prudential

committee of said fire district. Said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said fire district shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. The said fire district may, instead of establishing said sinking fund, pay the principal of said loan by annual instalments, in any series of years within ten years from the date of issue, not exceeding the sum of fifteen hundred dollars in any one year.

Sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT RELATIVE TO THE APPOINTMENT OF A SIXTH ASSISTANT CLERK OF THE SUPERIOR COURT, CIVIL SESSION, FOR THE COUNTY OF SUFFOLK.

Chap. 480

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter three hundred and ninety-three of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out in the second line, the word “fifth”, and inserting in place thereof the word:—sixth,—so as to read as follows:—*Section 1.* The justices of the superior court or a majority of them may appoint a sixth assistant clerk of said court for civil business in the county of Suffolk, who shall be subject to the provisions of law applicable to assistant clerks of courts in said county, and who shall receive in full for all services performed by him an annual salary of twenty-five hundred dollars, to be paid by said county.

1895, 393, § 1, amended.

Sixth assistant clerk.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT TO PROTECT THE BUSINESS OF LICENSED CARRIERS OF GOODS FOR HIRE.

Chap. 481

Be it enacted, etc., as follows :

Whoever, with intent to defraud or injure in his business a person licensed by any city or town as a carrier of goods for hire, takes from the order box of such carrier, or effaces or destroys, any order to or direction for such

Penalty for destroying, etc., orders to licensed carriers of goods, etc.

carrier to call for and receive goods to be transported by such carrier, or appropriates any such order or direction or makes use of the information derived from any such order or direction for the purpose of executing such order or direction, or for the purpose of transporting any goods or receiving the hire therefor, shall be punished by fine not exceeding twenty-five dollars.

Approved June 5, 1895.

Chap. 482 AN ACT RELATIVE TO THE EXPENDITURE OF MONEY BY COUNTIES.

Be it enacted, etc., as follows:

To be authorized annually by law.

SECTION 1. The expenditure of money by the several counties shall be authorized annually by law, and the purposes for which such expenditure may be made shall be specified in detail in said law. No expenditure for any purpose shall be made in excess of the amount so specified, and no bill in excess of such amount shall be paid by the county treasurer, except as herein provided.

May expend from unappropriated money in certain cases, etc.

SECTION 2. Whenever in the judgment of the county commissioners of any county the interests of such county demand an expenditure in excess of the amount authorized by law therefor, or for a purpose for which no appropriation has been made, such commissioners or a majority of them, may transfer from any appropriation, or expend from any unappropriated money in the county treasury, such sums as they shall consider expedient. In all such cases however the county commissioners shall cause the reasons for such transfer or expenditure to be placed upon their records, and shall send a copy of the same to the controller of county accounts, with their estimates for the ensuing year, and such reasons shall be published by said controller in his annual report.

May incur certain liabilities.

SECTION 3. The county commissioners and other county officers authorized to incur liabilities payable from the county treasury may, after the expiration of the financial year and before the making of the regular annual appropriation by the general court, incur liabilities payable out of a regular appropriation to an amount not exceeding the liabilities incurred in the preceding year for the same purpose during the same period.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT TO ESTABLISH THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS. *Chap. 483*
Be it enacted etc., as follows:

SECTION 1. There shall be established at Monson, on the premises now occupied by the state primary school, a state hospital to be known as the Massachusetts Hospital for Epileptics, and all the lands now belonging to the primary school and the buildings and personal property thereon shall be devoted to the use of said hospital.

Massachusetts
Hospital for
Epileptics
established.

SECTION 2. The government of the Massachusetts hospital for epileptics shall be vested in a board of seven trustees appointed and commissioned by the governor, with the advice and consent of the council, five of whom shall be men and two of whom shall be women, and the term of office of said trustees shall be five years, but of those first appointed one member shall hold office for five years, two for four years, one for three years, two for two years and one for one year from the first Monday in July in the year eighteen hundred and ninety-five, and on or before the first Monday in July in each succeeding year one or more members shall be appointed for five years, to fill the vacancy or vacancies then occurring, and any vacancy or vacancies occurring at any time by removal from office or otherwise may be filled for the unexpired term by appointment in the same manner as herein provided for the appointment of other members of the board.

Trustees,
appointment,
term, etc.

SECTION 3. The trustees for the Massachusetts hospital for epileptics shall be a corporation for the purpose of taking and holding, to them and their successors, in trust for the Commonwealth, any grant or devise of lands, and any donation or bequest of money or other personal property, made for the use of the institution of which they are trustees, and for the purpose of preserving and investing the proceeds thereof in notes or bonds secured by good and sufficient mortgages or in other safe securities, with all the powers necessary to carry said purposes into effect. And they shall have authority to expend any donation or bequest, or any part of the same, in the erection of new or in the alteration of old buildings on lands belonging to said hospital: *provided*, that all such buildings shall belong to the hospital and be managed as a part thereof.

Grants, be-
quests, etc.

SECTION 4. The board of trustees shall appoint a physician and assistant physicians and such other officers and

Proviso.

To appoint
physicians,
officers, etc.

agents of the said corporation as they shall deem necessary, who shall respectively hold and perform the duties pertaining to their offices and agencies during the pleasure of said board; and said board shall from time to time, subject to the approval of the governor and council, fix the salary of such superintending physician, assistant physicians, officers and agents.

To submit plans for alterations or erection of buildings, etc.

SECTION 5. The board of trustees established by this act shall, within thirty days after its passage, be appointed and qualified, and at or before the expiration of ninety days after said appointment shall submit to the governor and council plans for such alterations in the buildings assigned to the Massachusetts hospital for epileptics and such additions thereto, or for the erection of such new buildings, as shall be deemed necessary for the residence of two hundred patients and of the physicians and other officers and attendants who shall care for such patients; and upon the approval of said plans by the governor and council the trustees shall proceed at once to make contracts with the lowest responsible bidders for the construction, alteration and repair of said buildings and for necessary additions thereto, to an amount not exceeding one hundred and sixty thousand dollars. Said trustees may appoint a person to have charge of the property devoted to the use of said hospital under the provisions of section one, and may employ such other persons as may be necessary to care for said property until the hospital may be established, as provided in section seven, and the salaries of the persons so appointed or employed shall be paid from the appropriation authorized by this act. Said trustees are further authorized to sell any personal property which shall come into their possession under the provisions of section one which in their opinion is not needed for the purposes of said hospital, and the proceeds of such sale shall be paid into the treasury of the Commonwealth.

Care of property, etc.

May sell certain personal property.

Powers and duties.

SECTION 6. Said trustees shall have the same powers and shall be required to perform the same duties in the management and control of said hospital as are vested in and required of the trustees of the various state lunatic hospitals under sections six, seven and nine of chapter eighty-seven of the Public Statutes.

Compensation, etc.

SECTION 7. The trustees shall receive such compensation for services rendered in the construction and equipment of the hospital buildings as the governor and council

shall determine, but after the establishment of the hospital they shall receive no compensation for services, but shall be reimbursed from the treasury of the Commonwealth for expenses incurred in the performance of official duty.

SECTION 8. When the buildings altered or constructed under the provisions of this act are so far completed that in the opinion of the trustees the admission of patients may properly be made thereto, said trustees shall so notify the governor, who shall thereupon issue his proclamation establishing the Massachusetts hospital for epileptics, and thereafter the trustees may receive into said hospital for care and treatment any adult person, not a criminal, who is subject to epilepsy, provided such person be neither an idiot, an inebriate or violently insane.

Admission of patients.

SECTION 9. The provisions of the Public Statutes and amendments thereto consistent with this act, applicable to the state lunatic hospitals, regarding the commitment, detention, transfer and discharge of insane patients, are hereby made applicable to the Massachusetts hospital for epileptics, and insane epileptics may hereafter be committed to the said hospital for epileptics, provided such persons are of the class mentioned in section eight.

Certain provisions of law to apply.

SECTION 10. The trustees of said hospital may receive and detain therein, as a boarder and patient, any person subject to epilepsy who is desirous of submitting himself for treatment and makes written application therefor, but whose mental condition is not such as to render it legal to grant a certificate of insanity in his case. No such person shall be detained for more than three months after having given written notice of his intention or desire to leave said hospital. When any patient is received at said hospital the superintendent shall report the particulars of the case to the state board of lunacy and charity, which may investigate the same.

Certain persons may be received and detained as patients, etc.

SECTION 11. After the establishment of said hospital all epileptic inmates of the class mentioned in section eight who have been committed to any lunatic hospital may be transferred by the state board of lunacy and charity to the Massachusetts hospital for epileptics, and when said board has reason to believe that any such epileptic confined in any almshouse or other place is deprived of proper treatment or care, whether such epileptic is a public charge or otherwise, it may cause the transfer or com-

Certain epileptics may be transferred to hospital, etc.

mitment of such person to the Massachusetts hospital for epileptics, and said state board shall transfer from said hospital for epileptics to some state lunatic hospital or asylum such inmates as may be found to be violently insane and requiring treatment therein.

Charges for
support of
inmates.

SECTION 12. The charges for the support of the inmates of said hospital as are of sufficient ability to pay for the same, or have persons or kindred bound by law to maintain them, shall be paid by such inmates, such persons, or such kindred at a rate to be determined by the trustees of said hospital. The charges for the support of such other inmates as have legal settlements in this state shall be paid by their places of settlement, and the charges for the support of such other inmates as have no legal settlement in this state shall be paid by the Commonwealth, at the rate provided by law for the support of city, town and state patients in the state lunatic hospitals.

Hospital for
Epileptics Loan.

SECTION 13. For the purpose of meeting any expenses that may be incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred and sixty thousand dollars, for a term not exceeding thirty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of May and November in each year. Such scrip or certificates of indebtedness shall be designated on the face thereof, Hospital for Epileptics Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, and principal and interest shall be paid at the times specified therein in gold coin of the United States or its equivalent; and said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other mode, and at such time and prices, and in such amounts (the rate of interest not to exceed the rate above-specified), as shall be deemed best. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the prison and hospital loan sinking fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general

Sinking fund.

shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Certain amount to be raised by taxation.

SECTION 14. So far as this act authorizes the appointment of trustees of said hospital it shall take effect upon its passage; in other respects it shall take effect on the first Monday in July in the year eighteen hundred and ninety-five.

When to take effect.

Approved June 5, 1895.

AN ACT TO PROVIDE FOR THE INCORPORATION OF PURCHASERS OF THE PROPERTY AND FRANCHISES OF THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY.

Chap. 484

Be it enacted, etc., as follows:

SECTION 1. Gordon Abbott, Francis C. Lowell, Charles F. Adams, Second, Albert S. Bigelow, Stephen M. Weld, Augustus Clifford Tower, T. Jefferson Coolidge, Junior, Henry W. Cannon and John I. Waterbury, or such of them as shall become purchasers of the property and franchises of the New York and New England Railroad Company covered by its mortgage known as its second mortgage, dated the twenty-second day of June in the year eighteen hundred and eighty-two, made to William T. Hart, Frederick J. Kingsbury and Eustace C. Fitz, at any sale or sales thereof made pursuant to a judgment or decree of a court of competent jurisdiction in a suit for the enforcement or foreclosure of said mortgage, or such other persons as shall become such purchasers or the grantees of such purchasers, their associates and successors, shall, after making such purchase and upon filing in the office of the secretary of this Commonwealth the certificates hereinafter provided for, be a corporation by the name designated in such certificate, with power to acquire, hold, use, maintain and operate the railroad and other property, rights and franchises, or any of them, now belonging to or that may be acquired by the New York and New England Railroad Company, and with all the powers, rights, immunities and franchises connected therewith, now held or that may be acquired by the last named company, and with all the powers generally enjoyed by railroad corporations in this state, and with power to acquire by lease or other agreement, and to use

Purchasers of property and franchises of New York and New England Railroad Company to be a corporation upon complying with certain conditions.

and operate under such lease or agreement any railroad or other transportation facilities now or heretofore used or operated by the said New York and New England Railroad Company, and to guarantee payment of any bonds or other obligations or dividends on stock of any corporation whose railroad or other property it shall lease or operate by virtue of this authority. But no such lease or agreement shall be entered into and no such guarantee shall be made except with the approval of the board of railroad commissioners as provided by the general laws of this Commonwealth, as the same now are or shall hereafter be altered or amended.

Leases, agree-
ments, etc., to
be approved by
railroad com-
missioners.

Articles of
association, etc.

SECTION 2. The certificate to be filed as aforesaid shall be signed and acknowledged by said purchasers or their grantees, or a majority of them, and shall set forth the articles of association, wherein shall be stated: — First. The name of the corporation, which shall begin with “The” and end with “Railroad Company”. Second. The names of such persons as shall have associated themselves together for the organization of such corporation and the names of the persons who shall compose the first board of directors. Third. The amount of preferred and common stock of the corporation and the amount thereof to be issued in consideration of property, rights and franchises to be acquired by the corporation from said purchasers or their grantees.

Capital stock.

Proviso.

SECTION 3. The amount of the capital stock of such corporation shall be such as shall be fixed by the articles aforesaid: *provided*, that the amount of the preferred stock shall not exceed five million dollars, and the amount of common stock shall not exceed twenty million dollars. The preferred stock shall have a preference as to dividends to the amount of five per cent. per annum, which shall be noncumulative, and no further preference. Said stock shall be divided into shares of one hundred dollars each, and may be issued on account of property, rights and franchises acquired by the corporation from said purchasers or their grantees, in accordance with the plan of reorganization providing for the acquisition of the property and franchises of the New York and New England Railroad Company on file in the office of the secretary of this Commonwealth.

May issue
mortgage
bonds, etc.

SECTION 4. For the purpose of acquiring property, rights and franchises of the New York and New England

Railroad Company, and for other corporate purposes, the said corporation may issue bonds to an amount not exceeding seventeen million five hundred thousand dollars, and secure the same by mortgaging its property and franchises, including property and franchises to be afterwards acquired or any thereof, subject to all prior mortgages to any trust company incorporated by or under the laws of this state, or of Connecticut, Rhode Island or New York. Of said bonds, there shall be reserved bonds for the principal sum in the aggregate of ten million dollars, to provide for paying or retiring the first mortgage bonds of the New York and New England Railroad Company, secured by its first mortgage to the Boston Safe Deposit and Trust Company, trustee, dated the first day of January in the year eighteen hundred and seventy-six, and none of the bonds so reserved shall be issued or used except to retire or pay an equal amount of said first mortgage bonds. Nothing herein contained shall be deemed to authorize said corporation to issue any other or further bonds than those herein authorized except in accordance with the laws of this Commonwealth relating to the issue of bonds by railroad corporations, as the same now are or shall hereafter be altered or amended.

May issue mortgage bonds, etc.

SECTION 5. The business and affairs of said corporation shall be managed and directed by a board of not less than nine nor more than twenty-one directors, the number to be fixed by the by-laws, who shall be chosen by the stockholders in the manner provided by the by-laws. The first board shall be composed of the persons named for the purpose in said articles, and shall adopt by-laws as to the management of the affairs of the corporation, which shall provide as to the qualification of directors, and as to filling vacancies in the board, and may provide for a classification of directors so that only a minority shall be elected annually. The by-laws may be amended by the stockholders as shall be therein provided.

Board of directors, etc

SECTION 6. The officers of said corporation, who shall be chosen by the board of directors, shall be a president, a secretary, and a treasurer, and such other officers as the by-laws may prescribe.

Officers.

SECTION 7. Chapter four hundred and sixty-three of the acts of the year eighteen hundred and ninety-four is hereby repealed.

Repeal.

SECTION 8. This act shall take effect upon its passage.

Approved June 5, 1895.

*Chap.*485 AN ACT TO AUTHORIZE THE ADAMS FIRE DISTRICT TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows:

May acquire
certain lands.

SECTION 1. For the purpose of increasing the water supply of the Adams Fire District for the extinguishment of fires and for domestic and manufacturing purposes, said fire district is authorized to acquire by purchase, lease or taking any lands in the town of Adams, and any lands in the town of Cheshire lying northerly of the southerly boundary of the former town of New Providence, for the purpose of boring or driving artesian or other wells and excavating basins and reservoirs thereon: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the recommendation and advice of the state board of health. Said fire district may in like manner acquire all necessary rights of way under and over any lands, water courses, railroads, public and private ways, and along such ways in such manner as not unnecessarily to obstruct the same, and may thereafter enter in and upon any such ways, roads and lands for the purpose of repairing or relaying any pipes or conduits, but in so doing shall not unnecessarily obstruct or damage the same; and said fire district may erect on said lands thus purchased, taken or held, proper buildings, fixtures and all necessary structures, may make all necessary excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment of complete and effective works.

Proviso.

May acquire
rights of way,
etc.

May erect
buildings, etc.

Description of
lands, etc., to
be recorded.

SECTION 2. Said fire district shall within sixty days after the taking of any lands, rights of way or easements, as aforesaid, otherwise than by purchase or lease, file and cause to be recorded in the registry of deeds for the district in which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the prudential committee of said fire district.

Damages.

SECTION 3. Said fire district shall pay all damages sustained by any person in property by the taking of any lands, rights of way or easements, or by any other act done by said fire district under authority of this act. Any person sustaining damages as aforesaid, who fails to agree with said fire district as to the amount of the damage sustained, may have the same assessed and determined in the manner provided by law when land is taken for the

laying out of highways, on application at any time within two years from the filing of the description of lands and rights taken, in the registry of deeds, or the doing of any injury under the authority of this act. But no such application shall be made after the expiration of said two years. Or the parties may by an agreement in writing, signed by the prudential committee of said fire district and the person claiming damage as aforesaid, refer the matters of difference to arbitrators in accordance with the provisions of chapter one hundred and eighty-eight of the Public Statutes.

SECTION 4. In order to defray the expenses which may be incurred by said fire district under this act the town of Adams may issue from time to time bonds or notes to be denominated on the face thereof, Adams Fire District Water Loan, to an amount not exceeding thirty thousand dollars, and bearing interest not exceeding six per cent. per annum. Said interest shall be payable semi-annually, and the principal thereof shall be payable not more than twenty years from the date of issue of said bonds or notes. All bonds or notes issued under authority of this act shall be signed by the treasurer of said town and countersigned by the chairman of the selectmen, and a record of all bonds or notes so issued shall be made and kept by the treasurer. The town of Adams may loan said bonds or notes to said fire district upon such terms and conditions as may be prescribed by said town; and said fire district may sell the same or any part thereof, or pledge the same or any part thereof for money borrowed for the purposes of this act.

Adams Fire District Water Loan.

Town of Adams may loan bonds or notes to fire district, etc.

SECTION 5. The town of Adams may assess and collect upon the estates real and personal in said fire district all taxes necessary to pay the principal and interest of the bonds or notes issued and loaned to said fire district as aforesaid.

Payment of loan.

SECTION 6. The provisions of section ten of chapter one hundred and ninety-seven of the acts of the year eighteen hundred and seventy-three are hereby extended, and shall apply to any lands, buildings, machinery and plant acquired under and by virtue of this act.

1873, 197, § 10, extended.

SECTION 7. Said fire district may at any meeting called for that purpose vote to borrow money for the purposes of this act, and also to pay interest on bonds and notes outstanding and current expenses, and may authorize and empower the treasurer of said fire district to issue the

Fire district may vote to borrow money, etc.

notes of the fire district payable at a period not more than eighteen months from the date of issue.

SECTION 8. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 486 AN ACT RELATIVE TO THE CONSTRUCTION OF MACADAMIZED ROADS
IN TOWNS.

Be it enacted, etc., as follows :

Commonwealth
to furnish
certain towns
with steam road
rollers.

SECTION 1. When a town of not less than ten thousand inhabitants, or not less than two nor more than five adjoining towns whose combined population does not exceed twelve thousand, vote at a town meeting to expend not less than three thousand dollars per year each year for the term of five years, in the case of a single town, or four thousand dollars each year for the term of five years when not less than two nor more than five towns unite together, for macadamized roads, the Commonwealth shall furnish out of the state highway loan authorized by chapter three hundred and forty-seven of the acts of the present year, through the Massachusetts highway commission, to such town or towns, free of charge a steam road roller, of approved pattern and suitable size, for the sole use of such town or towns during said five years and as long thereafter as they continue to expend not less than fifty per cent. of the above-mentioned sum on macadamized roads each year : *provided, nevertheless*, that if said town or towns fail to expend said sum for macadamized roads in any one year, such road roller shall then revert to the Commonwealth. Said town or towns shall keep said roller in good repair.

Proviso.

Joint use of
rollers by
certain towns.

SECTION 2. When not less than two nor more than five towns use a roller jointly, the town voting the largest proportion of the required sum shall have the first chance as to the time of using it, and may retain possession of it each year for a length of time proportionate to the sum voted by said town. The six months between the first day of May and the first day of November in each year shall be deemed the proper period for macadamizing roads.

Period for
macadamizing
roads.

Amount to be
expended.

SECTION 3. The Massachusetts highway commission shall not expend more than nine thousand dollars in carrying out the provisions of this act during the year eighteen hundred and ninety-five.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT TO INCORPORATE THE DIGHTON AND SOMERSET WATER COMPANY.

Chap. 487

Be it enacted, etc., as follows:

SECTION 1. Charles S. Chase, Edward Lincoln, William P. Hood, Francis E. Hall, Lyman E. Penniman and James H. Flint, their associates and successors, are hereby made a corporation by the name of the Dighton and Somerset Water Company, for the purpose of supplying the inhabitants of the towns of Dighton and Somerset, or any part thereof, with water for the extinguishment of fires and for domestic, manufacturing and all other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Dighton and Somerset Water Company incorporated.

SECTION 2. Said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of Muddy brook, so-called, Sunken brook, so-called, and Segreganset river, so-called, within any part of the courses of each within said town of Dighton; or may take by purchase or otherwise, and hold the waters of any springs or streams, or any land for the purpose of boring or driving artesian or other wells thereon, in the towns of Dighton and Somerset; and may take and hold either or all of said water sources, or so much of either as may be necessary, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said towns, and may erect on the lands thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and ways: *provided, however*, that said corporation shall not enter upon and dig up any public ways except upon the approval of the boards

May take certain waters, lands, etc.

May erect buildings, lay down pipes, etc.

Provisos.

of selectmen of the towns in which such ways are situated, after a public hearing by said boards, of which at least ten days' notice shall be given by publishing an attested copy of said notice in a newspaper published in said towns, if any, and by posting an attested copy of said notice in at least five public places in said towns; and *provided, further*, that no hearing shall be necessary in cases where said ways are to be entered upon and dug up by said corporation for the purpose of constructing extensions to its plant and maintaining and repairing such conduits, pipes and other works.

Description of
lands, etc., to be
recorded.

SECTION 3. Said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Damages.

SECTION 4. Said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of the damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for the assessment of damages shall be made for the taking of any water or water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

May determine
quantity of
water to be
taken, etc.

SECTION 5. Said corporation may by vote from time to time fix and determine what amount or quantity of water it is to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall

be further liable only for the additional damages caused by such additional taking.

SECTION 6. Said corporation may distribute the water through said towns of Dighton and Somerset or any part thereof, may regulate the use of said water and fix and collect water rates to be paid for the use of the same; and said towns or any individual or corporation may make such contracts with said water company to supply water for the extinguishment of fires and for other purposes as may be agreed upon by said towns, individual or corporation, and said Dighton and Somerset Water Company; and said water company may receive and hold an assignment of any contract already authorized and entered into by said towns or by any individual or corporation, with any of the corporations hereunder, for the supply of water for the extinguishment of fires.

Distribution of water, etc.

SECTION 7. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value twenty-five thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred and twenty-five thousand dollars, to be divided into shares of one hundred dollars each.

Real estate, capital stock.

SECTION 8. Immediately after the payment of the capital of said corporation a certificate shall be signed and sworn to by its president, treasurer and at least a majority of the directors, stating the fact of such payment, the manner in which the same has been paid in, and the manner in which such capital has been invested, or voted by the corporation to be invested, at the time of making the certificate. Such certificate shall be approved by the commissioner of corporations, and shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

Certificate of payment of capital to be filed, etc.

SECTION 9. Said corporation may issue bonds and secure the same by a mortgage of its franchise and other

May issue mortgage bonds, etc.

property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the corporation and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Issue of stock and bonds to be approved by commissioner of corporations.

SECTION 10. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

Penalty for corruption of water, etc.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Towns may take franchise, property, etc., at any time.

SECTION 12. The towns of Dighton and Somerset shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation exceeds in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year

the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the corporation shall be annually submitted to the selectmen of the towns of Dighton and Somerset and by said selectmen to the citizens of said towns. If said corporation has incurred indebtedness the amount of such indebtedness outstanding at the time of such taking, including all bonds issued, shall be assumed by said towns and shall be deducted from the amount required to be paid by said towns to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said towns by a two thirds vote of the voters of said towns present and voting thereon at town meetings legally called for that purpose.

Statement of receipts and expenditures to be submitted annually.

SECTION 13. Said towns may, for the purpose of paying the cost of said corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate two hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Dighton and Somerset Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurers of the towns and countersigned by the water commissioners hereinafter provided for. Said towns may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as they may deem proper. Said towns shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purposes.

Dighton and Somerset Water Loan.

Sinking fund.

SECTION 14. Said towns, instead of establishing a sinking fund, may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote

May provide for annual payments on loan.

has been passed the amount required thereby shall without further vote be assessed by the assessors of said towns in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return to state
amount of sink-
ing fund, etc.

SECTION 15. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Payment of
expenses, etc.

SECTION 16. Said towns shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating their water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said towns, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Water commis-
sioners, elec-
tion, terms, etc.

SECTION 17. Said towns shall, after the purchase of said corporate property as provided in this act, at legal meetings called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meetings, to constitute boards of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said towns by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said towns may impose by their vote. Said commissioners shall be trustees of the sinking fund herein provided for, and a majority of the commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said boards from any cause may be filled for the remainder of the unexpired term by said towns at legal town meetings called for the purpose.

To be trustees
of sinking fund.

Vacancy.

Security for
payment of
damages, etc.,
required in
certain cases.

SECTION 18. Upon application of the owner of any land, water or water rights, taken under this act, the

county commissioners for the county in which such land, water or water rights are situated shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

SECTION 19. This act shall take effect upon its passage, but shall become void unless work hereunder is commenced within three years from the date of its passage. When to take effect.

Approved June 5, 1895.

AN ACT TO PROVIDE FOR A METROPOLITAN WATER SUPPLY.

Chap. 488

Be it enacted, etc., as follows:

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint three water commissioners, who shall constitute the Metropolitan Water Board. Said commissioners shall hold office, one for the term of five years, one for the term of four years and one for the term of three years, beginning with the first Monday in May in the year eighteen hundred and ninety-five; and in the year eighteen hundred and ninety-eight, and annually thereafter, the governor shall appoint, as aforesaid, one member of said board to hold office for the term of three years, beginning with the first Monday in May in the year of his appointment. The governor, with the consent of the council, may remove any member of said board, and may appoint for the residue of the term, in the same manner in which the original appointment was made, a commissioner to fill any vacancy occurring by removal, resignation or otherwise. One of said commissioners shall be always a citizen of Boston, one shall be always a citizen of one of the other cities or towns in the water district hereinafter described, and one shall be always a citizen of this Commonwealth. The chairman of said board shall

Metropolitan Water Board, appointment, term, etc.

Compensation.

receive a salary of five thousand dollars a year, and the other members a salary of four thousand five hundred dollars a year.

Chairman,
appointment of
engineer,
officers, etc.

SECTION 2. The governor shall, as soon as may be after the appointment of said board, and annually thereafter on or before the first Monday of May, designate one of their number to serve as chairman for the ensuing year; said board shall from time to time appoint an engineer, secretary, and such other agents, officers, clerks and other employees as said board may deem necessary, shall determine the duties and compensation of such appointees, and may remove the same at pleasure, and may employ counsel; shall at all times keep full, accurate and separate accounts of the doings, receipts, expenditures, disbursements, assets and liabilities of said board, and include an abstract of the same in an annual report to the general court on or before the first Wednesday in January in each year, such report to be numbered as one of the series of public documents; and four thousand five hundred copies thereof to be printed annually.

Accounts,
annual report.

To construct,
etc., a system of
metropolitan
water works.

SECTION 3. Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit: — The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town, any part of which is within ten miles of the state house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine: shall on application furnish water to any water company owning the water pipe system in any town within said ten miles, on such water company assuming the assessments of the town, if any, and making

Metropolitan
Water District.

Purity of water,
admission of
certain cities
and towns into
water district,
etc.

such payment of money as said board may determine; and may from time to time furnish water to any other city, town or water company, on such payment of money as said board may determine. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively. Said board shall furnish said water to the city, town or company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pressure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires, or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years. Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board.

Distribution of payments of money, furnishing of water, etc.

May produce and transmit power or electricity, etc.

SECTION 4. Said board may take, by purchase or otherwise, the waters of the south branch of the Nashua river, at and above a point above the dam of the Lancaster Mills in the town of Clinton, but shall allow not less than twelve million gallons of water to flow from a reservoir above said dam in each week, and such further quantity, not exceeding twelve million gallons a week, as the owner of said mills shall from time to time certify to be necessary for use therein and in other buildings now or hereafter owned by him, for domestic and manufacturing purposes, other than the production of water power, and said board, in regulating the flow of said quantities, shall, as far as practicable, conform to any reasonable request in writing of the owner of said mills; said board may also take the waters of Sandy pond, so-called, in the town of Clinton, and the waters which may flow into and from said pond or river, and the tributaries thereof above said point; may take such water rights as they deem necessary connected with said waters; said board shall forthwith, after taking the waters of said Nashua river, take by purchase

May take and regulate the flow of certain waters, etc.

May take cer-
tain lands, prop-
erty, etc.

or otherwise all real estate which will be submerged or flooded, or submerged to an increased depth, by the construction of the proposed reservoir on the Nashua river hereinafter provided for, and all parcels of real estate above the dam of said reservoir used for mill purposes and owned by the owner of any mill property of which any part will be submerged or flooded by the construction of said reservoir, including all the machinery used on such real estate and tenements for operatives; shall, on or before the first day of January in the year eighteen hundred and ninety-eight, take all the lands and all the ponds, basins, reservoirs, filter beds, dams, aqueducts, conduits, pumping stations, pipes, pumps and other property held by the city of Boston for the purpose of supplying water or for the purpose of storing or of protecting or preserving the purity of the water, and situated westward of Chestnut Hill reservoir in said city and westward of the intersections of the main pipes to be laid from Chestnut Hill reservoir to Spot pond, with the main pipes which convey water from the Mystic distributing reservoir; also the pumping station at Chestnut Hill reservoir and lands under and surrounding the same, and the pipes and aqueduct leading thereto; also Spot pond, so-called, in or near the town of Stoneham, and the lands under and surrounding the same, now owned by the cities of Malden and Medford and the town of Melrose, or either of them, held for the purpose of water supply or of protecting or preserving the purity of the water, and the pumping stations and pumps thereon; any or all of the aforesaid lands to be taken in fee or otherwise, as said board may determine. Said board may take any other lands in fee, easements, rights and other property that said board may deem necessary or desirable for carrying out the powers and duties conferred upon them by this act.

May take
certain other
property.

Description of
property to be
recorded, etc.

SECTION 5. Said board, to take any property by right of eminent domain, shall sign and cause to be recorded in the registry of deeds for the county and district in which the property to be taken is situated, a statement containing a description thereof, as certain as is required in a common conveyance of land, and stating that the same is taken for the metropolitan water works; and upon such recording the ponds, works, lands, waters, easements, rights and other property described in said description shall be taken for the Commonwealth. Said board, upon

entering upon any land for the purpose of using the same for carrying out any of the purposes of this act, shall sign and cause to be recorded in the registry aforesaid a statement containing a general description of the land and the purposes for which it is to be used, and the probable time for which the same is to be used, and after they have taken any property under the right of eminent domain shall notify the owner thereof, and on the request of the owner within three years after such taking shall, within thirty days after such request, furnish him with a plan or description in writing, of his land or other property so taken.

SECTION 6. Said board shall forthwith, after taking the waters of said Nashua river, construct a storage reservoir upon said Nashua river above said dam of the Lancaster Mills; shall forthwith construct the reservoir in Southborough already partially constructed by the city of Boston, and the dams thereof, and assume and carry out the agreement made by said city with the town of Southborough, and all contracts made by said city relating to the building of said reservoir; may construct other reservoirs, and may raise the level of any pond or reservoir under their charge. Said board may, as they deem desirable in constructing, or raising the level of, any pond or reservoir, raise or alter or discontinue parts of any railroad or public ways, and in case of a railroad shall make such raisings or alterations of the railroad, or construct upon existing or other locations, parts of the railroad to take the place of the parts so discontinued, as, and in such manner as, shall be mutually agreed upon by said water board and the board of directors of the railroad company; and if they cannot agree thereon then as, and in such manner as, shall be determined on the application of either party, in writing, by the board of railroad commissioners of this Commonwealth, who are hereby authorized and directed to adjudicate finally upon the same; and if said water board shall be of the opinion that the making of any such change of grade, alteration or construction requires that lands be taken therefor, said board shall, in the name of the Commonwealth, take such lands and convey the same to the railroad company to be thereafter held and used as the board of directors of such company may determine, and the railroad company may if it desires locate its lines over any lands so conveyed to it, and when

To construct storage reservoirs, etc.

May raise, alter or discontinue parts of railroads or public ways, etc.

May take and convey certain lands, etc.

Railroad companies may discontinue operation of certain portions of existing lines, etc.

said new lines of railroad are completed the railroad company may discontinue the operation of the portions of its existing lines for which the new lines are substituted, and may maintain and operate said new lines of railroad; and said water board shall build the dam of any pond or reservoir constructed, or whose level is raised, as aforesaid, and make the raisings or alterations of the public ways as aforesaid, and build in place of the parts of public ways discontinued, as aforesaid, such other reasonable and suitable ways, which shall thereafter be highways, as, and in such manner as, shall be mutually agreed upon by said water board and the county commissioners of the county in which such dam is to be built; or if they cannot agree thereon then as, and in such manner as, shall be determined on the application of said board, in writing, by the highway commission of this Commonwealth, which commission is hereby authorized and directed to adjudicate finally upon the same. Said water board, in flooding or otherwise affecting any burial ground, shall conform to any reasonable requirements relating thereto of the board of health of the city or town in which the same is situated.

Flooding or otherwise affecting burial grounds.

To connect pumping station at Chestnut Hill reservoir with certain main water pipes, etc.

SECTION 7. Said water board shall forthwith lay pipes to connect the pumping station at Chestnut Hill reservoir with the main water pipes through which water is now supplied to the cities of Somerville, Chelsea and Everett, and the Charlestown district of the city of Boston, and with Spot pond, and on the first day of January in the year eighteen hundred and ninety-eight the contracts of the city of Boston with the cities of Somerville, Chelsea and Everett, described in, and confirmed by, chapter three hundred and fifty-one of the acts of the year eighteen hundred and eighty-six, for a supply of water, shall be cancelled. Said board shall also forthwith, after taking the waters of Nashua river as aforesaid, connect said river with the tributaries of said reservoir in Southborough.

Delivery of water for use in Lancaster Mills.

SECTION 8. Said board, until they shall have completed the dam of said proposed reservoir on the Nashua river, and rebuilt the dam of said Lancaster Mills, shall, unless otherwise agreed by said board and the owner of said mills, deliver each week day at, and at the level of, the present top of the dam of said mills at least one million gallons of the water of said river, unpolluted by any acts or doings of said board, conforming in the de-

livery of said quantity, so far as practicable, to any reasonable request in writing of the owner of said mills.

SECTION 9. Said board in carrying out the powers and duties hereinbefore conferred upon them may construct and maintain buildings, machinery, roads, conduits and aqueducts; may lay and maintain pipes, drains and wires; may alter or change the grades or directions of any water course; may carry and conduct any aqueduct, conduit, pipe, drain or wire under or over any water course, or any railroad, street or other way, in such a manner as not unnecessarily to obstruct or impede travel thereon; may dig up any such road, street or way, and lay, maintain and repair aqueducts, conduits, pipes, wires and other works beneath the surface thereof, conforming to any reasonable regulations made by the mayor and aldermen of cities and the selectmen of towns, respectively, wherein such works are performed, and restoring, so far as practicable, any such road, street or way, to as good order and condition as the same was in when such digging was commenced; said board may enter upon and use the lands of others; may take down dams to such an extent as they may deem necessary for prosecuting their works, and shall rebuild such dams whenever the necessity for keeping them down ceases; shall use such lands and do all work relating to such dams, in a reasonable manner with regard to the interests of the owners thereof, and, so far as practicable, shall heed all reasonable requests made by such owners; and in general may do any other act or thing necessary or proper for carrying out the powers and duties conferred upon them by this act.

May construct buildings, lay pipes, etc.

May enter upon and use certain lands, etc.

SECTION 10. Said board, on or before the first day of January in the year eighteen hundred and ninety-eight, shall commence the operation of the works taken by them from the city of Boston, and shall thereafter keep the same and all water works constructed by them, and all bridges which they may build across said reservoir upon the Nashua river, and (until they abandon the same by notice in writing to said city) said Chestnut Hill reservoir, safe, and shall have charge of, use, maintain and operate the same, and the Commonwealth shall exclusively be responsible for all damages caused thereby or by any defect or want of repair therein; said board shall have the exclusive right and control over all ponds and reservoirs used by them in supplying water, and may order all persons to keep from

Operation of works taken from city of Boston, etc.

entering in, upon or over, the waters thereof and the lands of the Commonwealth, city or town, surrounding the same; may inspect the water works and fixtures in any city or town supplied wholly or in part from the works under their charge, and may take all proper measures to determine the amount of water used and wasted and to prevent the improper use or waste of water.

Storing or
pumping of
water, purchase
of property, etc.

SECTION 11. Said board and any city, town or water company aforesaid, may agree with each other for the storing or pumping of water, or the furnishing of the same as aforesaid by either party to any city, town or company; and any such city, town or company may sell to said board, and said board may purchase any property of such city, town or company, whether taken by eminent domain or otherwise, that said board may deem desirable for use in furnishing, as aforesaid, water to any city, town or water company; and said board may sell at public or private sale any property, real or personal, whether taken by eminent domain or otherwise, no longer needed for the water works under their charge, or may from time to time lease any property not then so needed. The proceeds from the operations of said board shall be paid into the treasury of the Commonwealth.

Board to incur
expenses neces-
sary in con-
structing, etc.,
water works,
etc.

SECTION 12. Said board shall incur such expenses as they deem necessary in constructing, operating and maintaining the water works under their charge; may agree with the party injured, upon the damages sustained by any city or town by the taking or use of its lands, ponds, reservoirs, water sources, aqueducts or other property, or the cancellation of contracts, as aforesaid: the damages sustained by the town of Clinton by any interference with its sewerage system or with its drainage rights or privileges; the damages sustained by any person or railroad or other corporation in property by any taking of property or by any change of grade, alteration or discontinuance of any railroad or public way, or by the construction or maintenance of any reservoir or other work, or by the interference with the use of any water, or by any other act or thing done by said board under this act; shall save harmless the several cities and towns within which any road, street or way is dug up as aforesaid, against all damages for injuries resulting from a defect or want of repair in any road, street or way, caused by such digging up, or by constructing, laying, maintaining or repairing any aqueduct,

conduit, pipe, wire or other works therein, and shall furnish without charge to all towns within which any work is done under authority of this act such additional police protection as may be necessary in consequence thereof: *provided*, said board shall have due and reasonable notice of the claims for such damages and opportunity to make a legal defence thereto.

Proviso.

SECTION 13. Said board, city, town, person or corporation, if they cannot agree upon any damages, sustained as aforesaid, may, except in the cases in which payment is otherwise provided for in this act, within two years after the day of the taking of any land, water, easements or other property, or of the use of any property, or of the making of any change of grade, alteration, discontinuance, or location of a way or railroad, or of the doing of any other act or thing causing the damage, file in the office of the clerk of the superior court for the county in which the property taken, used or affected in value by such taking or other act of said board is situated, a petition, signed by the petitioner or the attorney of the petitioner, for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages so sustained shall be determined by a jury in said court, in the same manner as damages for lands taken for highways are determined. In determining any damages caused by any change of grade or discontinuance of a public way or railroad, or the substitution of a part of a public way or railroad for another part, there shall be taken into account any benefit to the party injured received from this act and anything done thereunder. Interest shall be included in such damages from the date of the taking, or the doing of the act or thing causing the damages, and costs shall be taxed and execution issued as in civil cases, against the Commonwealth in case the petitioner prevails, and against the petitioner in case he does not prevail. Damages for the temporary use of or injury to property may, on the request of the petitioner, be assessed by monthly payments, to be continued so long as the property is used.

Damages to be determined by a jury in certain cases, etc.

Benefit to be taken into account in determining damages, etc.

SECTION 14. Said board, upon the application of the owner of any real estate taken for said proposed reservoir upon the Nashua river, or the owner of any real estate entered upon and used, or of any real estate injured by the taking of the waters of said Nashua river, whether said

Board may agree with owners of certain real estate as to damages, etc.

In case of disagreement damages may be determined by commissions.

If owner signifies willingness to surrender certain real estate, etc., commission to determine value, etc.

real estate is within or without the Commonwealth, or of any real estate not taken but directly or indirectly decreased in value by this act or the doings of said board thereunder, situated in the town of West Boylston or in that part of the town of Boylston on the northerly side of said proposed reservoir, or in that part of the town of Clinton on either side of River or Grove streets, between the dam of said proposed reservoir and a line drawn from the northerly corner of Oak and Boylston streets to the northerly corner of said Grove and Nashua streets, and not owned on the first day of April in the year eighteen hundred and ninety-five, by the owner of the Lancaster Mills, may agree with such owner upon the damages to be paid for such taking, injury or decrease in value, and if said board and the owner of any such real estate cannot agree upon such damages, such owner may, within two years after the first taking of water, or of land for said reservoir, under the right of eminent domain, file in the clerk's office of the supreme judicial court for the county of Worcester, in term time or vacation, a petition for the determination of such damages, and thereupon said court, after notice by publication in some newspaper published in the county of Worcester, and in such other manner as the court may order, that all persons entitled to file such petitions will be heard by said court on a day therein named, and a hearing thereon; shall from time to time appoint one or more commissions, each consisting of three disinterested persons, and may after notice and hearing fill any vacancy occurring in any such commission until all petitions referred to it have been heard and determined. Each of said commissions shall, after notice and hearing, determine the damages specified in all such petitions as may be filed as aforesaid and referred to it by said court; and if the owner of any such real estate, no part of which is taken but which is decreased in value, shall in the petition aforesaid signify his willingness to surrender the real estate, or if there is a mill thereon, the real estate and machinery thereon, to the Commonwealth, the commission shall also determine the value of such real estate, or real estate and machinery, and interest may be included in such damages and in such value at such rate and for such time as the commission may deem just and equitable. Said commissions shall determine the damage to and value of real estate, machinery and business, and from time to time report their determinations on

the petitions of such owners to said court. In case any individual or firm owning on the first day of April in the year eighteen hundred and ninety-five an established business on land in the town of West Boylston, whether the same shall be taken or not under this act, or the heirs or personal representatives of such individual or firm, shall deem that such business is decreased in value by the carrying out of this act, whether by loss of custom or otherwise, and unable to agree with said board as to the amount of damages to be paid for such injury, such damages shall be determined and paid in the manner hereinbefore provided. The words "real estate" as used in this section shall include water rights, and in the case of mills all machinery thereon.

Damage to certain established business in West Boylston, how determined in case of disagreement.

Certain words defined.

SECTION 15. Said board shall, upon agreeing upon any damages, or upon the acceptance by said court of any determination specified in the preceding section, notify the owner that they will pay the damages, or, in case the petitioner offers to make surrender, if they so prefer, they will pay the value so agreed upon or determined, and if any such owner shall in accordance with such notice and within one year after being so notified, deliver a release of such damages or a deed of the real estate, to and satisfactory to, said water board, said water board shall certify to the treasurer of the Commonwealth the amount to be paid such owner, and said treasurer shall pay the same from the proceeds of the bonds hereinafter provided for. Said water board, or any persons whose property is taken under the right of eminent domain, or entered upon or injured by the taking of said water, if dissatisfied with any determination of damages made by any commission, may at the term on which such determination is filed in court, or at the succeeding term, claim a trial by jury to determine such damages, and thereupon the damages shall be determined by a jury in said supreme judicial court as provided in section thirteen of this act.

Payment of damages, etc.

Damages may be determined by a jury in certain cases.

SECTION 16. The treasurer of the Commonwealth shall, from the proceeds of the bonds hereinafter provided for, reimburse the city of Boston for all moneys paid or that may hereafter be paid by said city for land damages, or otherwise, in connection with the location, building or maintenance of reservoirs or basins not yet built, or for lands taken for the preservation or protection of the purity

City of Boston to be reimbursed and certain sums to be paid to towns of Boylston and West Boylston.

of the waters of any reservoirs, or basins or of the tributaries thereof, and shall pay as part of the expenses of said metropolitan water works to the town of Boylston the sum of two thousand dollars a year and to the town of West Boylston the sum of twelve thousand dollars a year for the year of and each year succeeding said taking of the waters of said Nashua river, so long as each of said towns remains a municipality, and shall pay no tax or other payment to either of said towns on account of any property held by said water board for the purposes of a water supply.

Metropolitan
Water Loan.

SECTION 17. The treasurer and receiver general shall, from time to time, on the request of said board, issue negotiable bonds in the name and behalf of the Commonwealth, and under its seal, to an amount not exceeding twenty-seven million dollars, designated on the face thereof, Metropolitan Water Loan. Said bonds shall be deemed a pledge of the faith and credit of the Commonwealth, shall be countersigned by the governor; shall have the principal and interest made payable thereon, in gold coin of the United States of America or its equivalent; shall bear interest payable semi-annually on the first days of January and July of each year; shall be registered, or with interest coupons attached; shall be payable within such terms not less than thirty nor more than forty years, and shall bear such rates of interest not exceeding four per cent. per annum, and be issued and disposed of in such amounts and in such modes and at such times and prices as the treasurer and receiver general, with the approval of the governor, shall from time to time determine. Said treasurer shall, on issuing any of said bonds, establish a sinking fund and determine the amount to be paid thereto each year, sufficient with its accumulations to extinguish the debt at maturity.

Sinking fund.

Disposition of
proceeds from
sales of prop-
erty and bonds,
etc.

SECTION 18. Said treasurer shall apply the proceeds from the sales of property made as hereinbefore provided, and the proceeds from the sales of said bonds, exclusive of the amounts received from premiums, to the payments for the property taken by said board, the payment of the damages aforesaid, and the payment of the expenses of construction of said water works, and the other payments specified in this act, and shall apply any premiums received from sales of said bonds, any assessments hereinafter provided for paid by the cities and towns, and the pro-

ceeds from the operations of said board, exclusive of the proceeds from sales of property, to the payment of the interest, sinking fund requirements and expenses of maintenance and operation of said water works, and shall take the balance required for said payments, if any, from the proceeds of said bonds, and shall apply the surplus, if any, to the payment of said interest, sinking fund requirements and expenses, for the following year. Said treasurer shall advance to such person as shall have been designated by said water board and shall have given a bond with sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars, such sums, not exceeding ten thousand dollars at any time, as said auditor may certify to be necessary to enable said board to make direct payment upon the pay rolls and other accounts of said board, and such persons shall, as soon as may be after expending any sum so advanced, and in all cases within thirty days from the receipt of any such sum, file with the auditor a statement in detail of the moneys expended subsequent to the last previous accounting, approved by said water board, and where it is practicable to obtain them, also file receipts or other like vouchers of the persons to whom the payments have been made.

Certain sums to be advanced.

Statement of expenditures, etc., to be filed.

SECTION 19. Said treasurer shall in each year estimate the amount, in addition to the premiums from sales of said bonds and the proceeds from the operations of said board, exclusive of the proceeds from sales of property, required during the year to pay the interest, sinking fund requirements, expenses of maintenance and operation of said water works, and shall apportion to the city of Boston the proportion of such amount that the valuation of said city for the preceding year bears to the total of all such valuations of all cities and towns in said water district: *provided, however*, there shall be included only one sixth of the total valuation of any such city and town which has not reached the safe capacity of its present sources of supply in a dry year, as determined by said water board and certified to said treasurer, and has not made application to said board for water, and the remainder to the other cities and towns in said district, one third in proportion to their respective valuations and the remaining two thirds in proportion to their respective populations, including however only one sixth of the total

Treasurer to estimate amount required for payment of expenses, etc.

Proviso.

Provisos.

valuation and one sixth of the total population of any such city and town which has not reached the safe capacity of its sources or of the sources of supply of the water company by which a town is supplied, or has not made application for water as aforesaid; and *provided, further*, that any city or town assessed upon its full valuation and population, which furnishes a part of its water supply from its own works or receives a supply from a water company, shall be allowed and credited in its apportionment with a sum equal to twelve dollars for each million gallons of water furnished as aforesaid, as determined by said water board and certified to said treasurer, and *provided, further*, that no such amount shall be so apportioned until the year eighteen hundred and ninety-eight, and in said year only the amount of three hundred thousand dollars shall be apportioned, and the sums of money expended by the state board of health under chapter four hundred and fifty-nine of the acts of the year eighteen hundred and ninety-three and chapter four of the resolves of the year eighteen hundred and ninety-five, and in the succeeding years the said amount of three hundred thousand dollars and two hundred thousand dollars additional for each year thereafter shall be so apportioned until the entire amount required as aforesaid is reached, and thereafter such entire amount shall be so apportioned. Said treasurer shall in each year notify each city and town of the amount of its assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as part of its state tax.

Payment of assessments.

Charge and control of certain water sources, etc., in metropolitan water district.

SECTION 20. The water board, water commissioners or superintendent of any city or town in the metropolitan water district, shall for their respective cities or towns, on and after the first day of January in the year eighteen hundred and ninety-five, have the charge and control of the water sources, water and water works owned and used by said city or town and not taken or used by said metropolitan water board as herein provided. Said water board, water commissioners or superintendent shall distribute and control the use of the water so furnished, and apply meters and extend the pipes and other work as said water board, water commissioners or superintendent may deem expedient; shall keep the pipes, fixtures and other works under their charge in good condition and repair, but shall not expend in any year more than the amount

Distribution of water, etc.

appropriated by the city or town therefor. Said water board, water commissioners or superintendent, with the approval of the mayor or selectmen, shall determine the rate to be paid for water by the owner of the premises to which the water is furnished, or by the person or persons using the water: *provided, however,* that the minimum rates to be paid for water, and the premises to which the high service supply shall be furnished, shall be subject to the approval of said metropolitan water board. Any water board, water commissioner or superintendent as aforesaid shall for the water works under his charge do all the acts and things relating to buildings, machinery, roads, conduits, aqueducts, pipes and drains, which said metropolitan water board is authorized to do for the water works under their charge, and may take lands therefor, in fee or otherwise, and shall do all such acts and things and make all such takings in the manner in which said metropolitan water board are authorized to do similar things, and the damages sustained shall be recovered of, and paid by, the city or town for which such water board, water commissioners or superintendents are appointed or elected, in the same manner as damages caused by similar acts of said metropolitan water board are recovered of, and paid by, the Commonwealth.

Rate to be paid for water.

Proviso.

Powers and duties of certain officers, etc.

SECTION 21. The income received in each city or town from the water works under the charge of its water board, water commissioners or superintendent, shall be applied to the payment of the expenses of maintenance and operation incurred by said water board, water commissioners or superintendent; the interest and sinking fund requirements of all bonds, notes or scrip of the city or town issued on account of the water works of such city or town; the assessment of the city or town to be paid to the treasurer of the Commonwealth as hereinbefore provided; the expenses of the extension of the works; and the balance, if any, as the city or town may determine. If such income in any year shall not be sufficient for said payments the balance required therefor shall be raised by taxation or by loan, as the city or town may determine; and the city or town is hereby authorized to assess such taxes and make such loans without further authority from the legislature.

Payment of expenses, etc.

Certain sums to be raised by taxation, etc.

SECTION 22. The towns of Clinton, Sterling, Boylston, West Boylston, Lancaster, Holden, Rutland, Princeton, Paxton and Leicester, and the city of Worcester,

Taking of certain water by city of Worcester and certain towns.

may take from the south branch of the Nashua river, above the dam of the proposed reservoir on said river, so much of the water thereof as they have already been or may hereafter be authorized by the legislature to take, for supplying their inhabitants with water, and in case either of the towns of Lancaster, Holden, Rutland, Princeton, Paxton or Leicester, or the city of Worcester, shall so take water, it shall pay to the Commonwealth, to be paid into the sinking funds for said bonds, a fair proportion of the cost incurred by the Commonwealth for said water and for the construction, maintenance and operation of said works, the same to be determined by the engineer of said board and an engineer to be appointed by the city or town, and if they cannot agree, the proportion shall be determined by a master to be appointed by the supreme judicial court on the petition of either party interested, and the report of such master made and accepted by said court shall be final and binding on all parties.

Use of water by certain cities, towns and water companies restricted, etc.

SECTION 23. No city or town, any part of which is within ten miles of the state house, or any water company owning a water pipe system in any such city or town shall, except in case of emergency, use, for domestic purposes water from any source not now used by it except as herein provided or as shall be hereafter authorized by the legislature. If any town or towns in said district shall take the franchise, works and property in such town or towns, of any water company, the compensation to be allowed and paid therefor shall not be increased or decreased by reason of the provisions of this act. No town in said water district now supplied with water by a water company owning the water pipe system in such town, shall introduce water from the metropolitan water works until it shall first have acquired the works of such company.

Sanitary protection of water, etc.

SECTION 24. The state board of health is hereby authorized and required to make rules and regulations for the sanitary protection of all waters used by the metropolitan water board for the water supply of any city, town or water company aforesaid, and to transfer and deliver to said water board, such plans, maps and other information in their possession as will assist said board in carrying out the provisions of this act.

Corruption or improper use of water, etc., prohibited.

SECTION 25. No person shall take or divert any water of a water supply of any city or town in said water district from any water source, reservoir, conduit or pipe used for

supplying such water to, or in any such city or town, or occupy, injure or interfere with any such water, or with any land, building, aqueduct, pipe, drain, conduit, hydrant, machinery or other work or property so used, and no person shall corrupt, render impure, waste or improperly use, any such water.

SECTION 26. The provisions of the preceding section shall not apply to any person in taking or diverting any such water or interfering with or occupying any water, land or works therein described, by permission of said metropolitan water board, or the water board, water commissioners or superintendent of any city or town having charge of the land, water or work; nor to the individual inhabitants of any city or town within the watershed of any water supply used by said metropolitan water board, or by any city or town aforesaid, in taking from the part of the supply or from the tributaries of the supply within their respective city or town limits so much of the water thereof as they shall need for their ordinary domestic household purposes, for extinguishing fires, or for generating steam.

Provisions of § 25 not to apply to certain taking or diverting of water, etc.

SECTION 27. Said metropolitan water board, and their employees designated for the purpose, shall enforce the provisions of this act, and of the rules, regulations and orders made thereunder, and may enter into any building, and upon any land for the purpose of ascertaining whether sources of pollution there exist, and whether the provisions of this act and of the rules, regulations and orders made as aforesaid are complied with; and, where the enforcement of any such provisions, rules, regulations or orders will require public works for the removal or purification of sewage, said metropolitan water board shall not enforce the same until they have provided such works, and the amount paid therefor shall be considered as part of the expenses of construction of the metropolitan water works, and such works shall be maintained and operated as a part of said water works.

Enforcement of provisions, etc.

SECTION 28. The supreme judicial court or any justice thereof, and the superior court or any justice thereof, shall, in term time or vacation, on the petition of said board or any city, town, corporation or person interested, or of the attorney of any such petitioner, have jurisdiction in equity or otherwise to enforce the provisions of this act, and of any rule, regulation or order made under

Certain courts, etc., to have jurisdiction to enforce provisions, etc.

the authority of this act, and to prevent any violation of said provisions, rules, regulations or orders.

Penalties.

SECTION 29. Whoever shall do any of the acts herein prohibited, or shall violate or refuse to comply with any rule, regulation or order made under the authority of this act shall, on complaint or indictment therefor and conviction thereof, be punished for each offence by a fine not exceeding five hundred dollars, to be paid to the Commonwealth, or by imprisonment not exceeding one year in the house of correction, or by both such fine and imprisonment.

Certain general laws to apply.

SECTION 30. All general laws relating to the water supplies of cities and towns or the lands and other property used for such supplies shall, so far as they are not inconsistent with the provisions of this act, apply to and be observed in carrying out the purposes of this act.

Preference in employment to be given to citizens.

SECTION 31. In the construction of these works preference in employment shall be given to citizens of this Commonwealth.

SECTION 32. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 489

AN ACT RELATIVE TO POLITICAL COMMITTEES AND CAUCUSES.

Be it enacted, etc., as follows:

Caucus act of 1895.

SECTION 1. This act shall be known and may be cited as the caucus act of eighteen hundred and ninety-five.

Certain terms defined.

SECTION 2. Terms used in this act relating to caucuses shall have application as hereinafter set forth, unless other meaning is clearly apparent from the language or context, or from manifest intent.

The term "political party", shall apply to a political party which at the preceding annual state election polled for governor at least three per cent. of the entire vote cast in the state for that office.

The term "elective office", shall apply to candidates for any office to be voted for at a state or municipal election. The term "caucus officers", shall apply to wardens, clerks, inspectors, chairmen, secretaries and tellers, and when on duty, to additional officers specially elected, or elected to fill a vacancy and taking part in the conduct of caucuses.

The term "caucus", and "political convention", shall apply only to such as shall be called and held in pursuance of this act.

The term “political committee”, shall apply only to such as shall be elected in pursuance of this act.

SECTION 3. Each political party shall annually elect a state committee who shall hold office for one year from the first day of January next following their election and until their successors shall have organized; said committee to consist of at least one member from each senatorial district, to be elected at the convention held for the nomination of a senator from said district to be voted for at the annual state election.

State committees, election, term, etc.

The members of the state committee shall, within thirty days from the beginning of their term of office, meet and organize by the choice of a chairman, a secretary and a treasurer, and such other officers as they may decide to elect.

Organization.

The secretary of the state committee shall, within ten days of such organization, file with the secretary of the Commonwealth, and send to each city and town committee, a list of the members of the committee and of the officers hereinbefore named.

Lists of members and officers to be filed, etc.

Any vacancy occurring in the office of chairman, secretary or treasurer in the committee shall be filled by the action of the committee, and a statement of any change so occurring shall, by the secretary, be filed as in the case of the officers first chosen.

Vacancies.

SECTION 4. Each political party shall in every ward and town annually elect a committee to be called in the case of a town a town committee, and in the case of a ward a ward committee, which shall consist of not less than three persons, who shall hold office for one year from the first day of January next following their election and until their successors shall have organized, except that whenever a ward committee shall be elected between the first day of January and the first day of June, the members thereof shall hold office for one year from the first day of June next following their election.

Ward and town committees, election, term, etc.

The members of the several ward committees of a political party in a city shall constitute a committee to be called a city committee. Each town committee shall annually, on a date between the first day of January and the first day of March following, and each city committee shall, within thirty days from the beginning of their term of office, meet and organize by the choice of a chairman, a secretary and a treasurer, and such other officers as they may decide to elect.

City and town committees, organization.

Lists of members and officers to be filed.

SECTION 5. The secretary of each city and town committee shall, within ten days after such organization, file with the secretary of the Commonwealth, with the clerk of the city or town, and with the secretary of the state committee of the political party of which they are a portion, a list of the members of the committee and of the officers hereinbefore named.

Vacancies.

Any vacancy occurring in the office of chairman, secretary or treasurer in a committee shall be filled by the action of the committee, and a statement of any change so occurring shall be filed by the secretary as in the case of the officers first chosen.

May make rules and regulations.

SECTION 6. Any state, city or town committee may make such rules and regulations for its conduct as are not inconsistent with the provisions of law. And any state, city or town committee authorized by this act to call caucuses for the choice of delegates to political conventions may make rules and regulations relative to such caucuses, not inconsistent with the provisions of law.

Existing committees.

Committees existing at the time this act takes effect shall be deemed to be organized under its provisions.

Notices to apply only to members of party whose caucuses are to be held, etc.

SECTION 7. All notices for holding caucuses shall apply to all members of the political party whose caucuses are to be held, and to them only. No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political party in the same calendar year. Each town or city committee may make reasonable regulations, not inconsistent with the provisions of law, to determine membership in the party, and to restrain others than those who are entitled to vote at the caucus from attendance thereat or taking part therein. But no political committee of any party shall deprive any voter from taking part in a caucus of said party on the ground that the voter had supported an independent candidate for political office.

Certain caucuses to be held on one of two consecutive days, etc.

SECTION 8. All caucuses (except for special elections) for choice of delegates to political conventions which nominate candidates to be voted for at the annual state election, and for the nomination of candidates to be voted for at the annual state election, shall be held throughout the Commonwealth on one of two consecutive days, designated by the state committee of the political party for which said caucuses are held; and all of said delegates shall be elected and all of said candidates shall be nomi-

nated at one caucus, except that caucuses held for choice of delegates to a representative district convention, or for nomination of candidates for the general court, may be called and held as hereinafter provided. The chairman and secretary of the state committee of each political party shall at least twenty-one days before the date on which the caucuses are to be held forward their designations of dates to the chairman and secretary of each city and town committee of their party, and they shall at the same time designate two other consecutive days, which shall be at least seven days later than the designation above-provided, as dates on which caucuses may be held for choice of delegates to a representative district convention, or for nomination of candidates for the general court. If at least twelve days prior to the earlier date any representative district committee shall notify the chairman and secretary of each town and ward committee of their party in said district to hold the caucus for choice of delegates to said representative district convention or for the nomination of candidates for the general court on one of said latter dates such caucus shall be so held.

Designations of dates to be forwarded, etc.

Caucuses for choice of delegates to representative district convention, etc.

SECTION 9. No two political parties shall hold their caucuses on the same day. The party first filing with the secretary of the Commonwealth the copy of the call as above-provided shall be entitled to precedence on the days named.

Party first filing copy of call entitled to precedence.

SECTION 10. Every caucus of a political party in a town or city shall be called by a written or printed notice specifying that the same is to be held in accordance with the provisions of the caucus act of eighteen hundred and ninety-five, and the provisions thereof shall then apply to the conduct and proceedings of any such caucus, but nothing herein shall prevent the enforcement at such caucus of further regulations not inconsistent with the provisions of this act. Except as above-provided, no caucus or meeting shall be entitled to nominate a candidate for a public office, whose name shall be placed on the ballots provided in accordance with the provisions of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto, or shall be entitled to select delegates to a political convention for the nomination of a candidate, whose name shall be placed on the ballots so provided.

Calling of caucuses, etc.

Polling places
to be provided.

SECTION 11. At least two weeks prior to the date on which a caucus is to be held the chairman or secretary of the city or town committee shall notify the board of aldermen in a city or the selectmen in a town of the date selected for said caucus, and said aldermen or selectmen shall, at the expense of the city or town, provide polling places for said caucuses, and in case of a city, not less than one for each ward; and said aldermen or selectmen shall, at least ten days prior to the date of said caucus, notify said chairman or secretary as to the place so provided.

Notices of
caucuses.

SECTION 12. Notices of caucuses held under the provisions of this act shall be issued by each city and town committee not less than seven days prior to the day on which the caucuses are to be held. They shall state the place where, and the day and hour when, the several caucuses are to be held. Said notices shall be conspicuously placed or posted in at least five places on a line or lines of public travel, and, if practicable, in every post office within the city or town wherein the caucus is to be held, or shall be published at least twice in one or more local newspapers, if any. The hour for calling the caucus shall not be later than eight o'clock in the evening.

Hour for calling.

Notice to
designate per-
son who shall
call caucus to
order, etc.

The notice for such caucus shall designate by name or office the person who shall call such caucus to order; and the person so designated shall call the caucus to order and preside until a chairman is chosen. In case however the person so designated is absent at the time appointed any member of the ward or town committee present shall call the caucus to order, and preside until a chairman is chosen.

First business.

The organization of the caucus by the choice of a chairman, secretary, and such other officers as the meeting may require, shall be the first business in order.

Other business.

Any business that may properly come before the meeting shall next be transacted.

Ballot to be
taken, etc.

SECTION 13. A ballot shall be taken for the choice of any candidate, delegate or member of a political committee, to be selected by such caucus, and the polls shall be kept open at least thirty minutes.

Voting list to be
used.

In balloting the voting lists last published according to law, with such subsequent additions thereto as may be certified by the registrars of voters, shall be used as check lists.

The registrars of voters in a city or town, whenever a caucus is called therein in accordance with the provisions of this act, shall, on request of the person designated in the notice thereof to call the caucus to order, furnish him for use in the caucus a certified copy of the voting lists of the town, or of the ward of the city, for which the caucus is to be held, as last published according to law, together with such names of voters as have been added thereto since such publication.

Registrars of voters to furnish certified copy of voting lists.

No person shall be entitled to vote or to take part in such caucus whose name does not appear upon said list.

Certain persons not entitled to take part in caucus.

SECTION 14. The person or persons receiving the highest number of votes in a caucus shall be deemed and declared to be elected or nominated. In case of a tie vote for delegates to a convention, or in case of a place being unfilled in a delegation, or in case of a vacancy occasioned by inability or neglect of a delegate elected to attend a convention, such vacancies shall be filled only by vote of the remaining members of the delegation at a meeting duly called for the purpose. Such meeting shall choose a chairman and secretary, and the secretary shall notify the secretary of the convention of the action of the meeting so far as it relates to a vacancy.

Persons deemed to be elected.

Vacancies.

In case of a tie vote for members of a town or ward committee, or for caucus officers, the members duly elected shall fill the vacancy or vacancies.

Tie vote.

In case a majority of a delegation, or ward or town committee or caucus officers are not elected, or in case of a tie vote for candidates for an elective office, the caucus shall at once proceed to another ballot, unless some one present entitled to vote objects; in case objection is made the caucus shall adjourn until the following or other subsequent day. The hour and place shall, if practicable, be the same as that named in the original call.

Proceedings in case of failure to elect.

SECTION 15. The presiding officer and secretary of each caucus shall within five week days thereafter deliver, send or cause to be sent to each delegate to a political convention and to each member of a political committee, a certificate of his election, and to each candidate for an elective office a notice of his nomination.

Certificates of election, etc.

The secretary of each caucus shall safely keep all ballots cast thereat and all voting lists used therein for the period

Ballots and voting lists to be kept.

of five days. If before the expiration of said time he shall be requested in writing by ten voters entitled to vote in said caucus, he shall safely keep said ballots and voting list for the period of three months thereafter, and shall produce the same if called for by any court of justice.

Notice of intention to contest, etc.

If within three week days of any caucus a person who has received votes thereat for nomination or election to any office, delegation or political committee shall serve upon the secretary of said caucus a statement in writing claiming an election or nomination, or shall declare in said statement an intention to contest the nomination or election of any other person, such secretary shall retain every envelope containing the ballots for such nomination or office until such claim is withdrawn or the contest for the nomination or election is finally determined by competent authority.

Recount of ballots, etc.

The secretary of a caucus receiving the above notice shall immediately give notice in writing to the person or persons interested, and the chairman and secretary who served at the caucus at which the ballots were cast, shall, within twenty-four hours after the giving of said notice, proceed to recount said ballots and determine the questions raised, and such recount shall stand as the true result of the vote cast in such caucus. And each of such candidates may appear and be present during such recount, either in person or by an agent appointed by him in writing.

Caucuses relative to special elections.

SECTION 16. Caucuses relative to a special election shall be held at such time and place and subject to such reasonable notice as the political committee whose duty it is to provide for holding the same may determine. All calls for the same shall be issued by the chairman and secretary of said political committee.

Penalties.

SECTION 17. The penalties imposed by law upon officers and voters who violate the provisions of acts regulating state elections are hereby imposed upon officers and voters who violate the provisions of this act.

Enforcement of provisions.

The supreme judicial court and the superior court shall have full power at law or in equity to enforce the provisions of this act.

Repeal.

SECTION 18. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved June 5, 1895.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE STATE HOUSE *Chap. 490*
EXTENSION.

Be it enacted, etc., as follows:

SECTION 1. To provide for the completion of the state house extension, so-called, as authorized by chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding five hundred and fifty thousand dollars, for a term not exceeding twenty years, the same to be in addition to any amount previously authorized. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding three per cent. per annum, payable semi-annually on the first days of April and October in each year, shall be redeemable at maturity in the gold coin of the United States or its equivalent, shall be designated on the face thereof, State House Construction Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth; and said scrip or certificates of indebtedness shall be sold in such instalments as the governor and council may determine, by public advertisement to the highest bidder, at not less than the par value thereof, or in such other manner as the governor and council may determine to be for the best interests of the Commonwealth. The sinking fund established by chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient, with the accumulations of said fund, to extinguish at maturity the debt incurred by said bonds. The amount necessary to meet the annual sinking fund required and to pay the interest on said bonds shall be included in and be made a part of the annual state tax levy, and any premium over the par value of said bonds received on the sale thereof shall form part of the sinking fund for their redemption.

State House
Construction
Loan.

Sinking fund.

SECTION 2. The state house construction commissioners are authorized to construct a sub-basement under the lot from which the Bryant building, so-called, was

Construction of
sub-basement,
etc.

removed, also to put in underpinning and strengthen the rear wall of the so-called Bulfinch building, and to make such changes as are absolutely necessary to properly and safely connect the so-called state house extension with the so-called Bulfinch building.

SECTION 3. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 491 AN ACT RELATIVE TO THE GRADE CROSSINGS OF RAILROADS AND PUBLIC WAYS IN EAST BOSTON.

Be it enacted, etc., as follows:

Grade crossings
in East Boston.

SECTION 1. Upon a petition hereafter filed by the mayor and aldermen of the city of Boston praying for such alterations of all the crossings of railroads and public ways in that part of Boston called East Boston as will avoid crossings at grade, accompanied by plans and profiles showing the changes of grade or location of the public ways and of railroads deemed necessary by said mayor and aldermen, together with an estimate by the engineer of said city showing the probable cost of such changes, the superior court or any justice thereof sitting in equity for the county of Suffolk, after such notice by public advertisement or otherwise as the court or justice shall deem desirable, and a hearing, may, if the court or justice deems that public necessity and safety so require, appoint a commission of three disinterested persons.

Commission to
consider subject
of changes in
location, etc.

SECTION 2. Said commission shall consider whether any change, either in the location or use of the present grade crossings at East Boston is now required; and if it decides that, in view of existing conditions and circumstances, it is prudent that no change of grade or location of existing public ways or railroads shall be forthwith made; or that a change is required in the use of said grade crossings, or any of them; or that further protection at said grade crossings, or any of them, is required, it shall so report to the court; and the recommendations and the decision of the commission being confirmed by the court shall be carried out by the railroad companies concerned. But if said commission shall determine that the public convenience, necessity and economy require the immediate abolition of said grade crossings, or any of them, it may decide that the railroad tracks shall go over the highways, the highways shall go over the railroad tracks, the location

of the highways shall be changed, or it may decide that said abolition shall be accomplished by any other method within the scope of said petition, including the relocation of the tracks of said railroads, or any of them, and the filling in or the building of structures over tide waters along a route to which the board of harbor and land commissioners, after hearing all parties interested, shall have first given its approval and consent, and where the owners of all flats to be occupied shall have released all claims for land damages, and it shall so report to the court.

SECTION 3. If said commission shall decide that alterations in the location or grade of any railroad are necessary to avoid crossing at grade it shall prescribe the manner in which they shall be made, and shall determine and make it a part of its decision, what proportion of the total cost of the work required by its decision, including land damages, shall be borne by persons or corporations other than such railroad corporations as are required by this act to contribute to the payment of such cost; and said commission shall determine what part each railroad company shall pay of the proportion of the total cost of the alterations, which, under this act, is to be borne by the railroad companies.

To prescribe manner in which alteration shall be made, etc.

SECTION 4. If said commission shall decide that any grade crossing shall be abolished the work of carrying out the decision of the commission shall be done by the city of Boston, and the cost of said work shall primarily be borne and paid by said city. The proportion of said cost which said commission shall have determined under section three should be borne by persons or corporations other than such railroad corporations as are required by this act to contribute to the payment of such cost, shall be levied by said city upon the estates of each person and corporation benefited by said alterations, in the manner provided by law with respect to betterments upon the laying out of highways in the city of Boston. And of the remainder of said cost there shall be repaid to said city by the railroad companies and the Commonwealth as follows: — Twenty-five per cent. thereof by the Commonwealth, and sixty-five per cent. thereof by the railroad companies, in the proportion determined and apportioned by the commission under section three.

Abolition of grade crossings.

SECTION 5. The provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and

1896, 428, etc., to apply.

ninety and acts in amendment thereof or addition thereto, so far as they are not inconsistent with the provisions of this act, shall apply to said commission and to the carrying out of its decisions.

Changes to be approved by railroad commissioners.

SECTION 6. No change of grade or of location of any railroad shall be made without the consent and approval of the railroad commissioners being first had and obtained.

Abandonment of location by railroad companies, etc.

SECTION 7. If said commission shall decide that the location of the railroad tracks of any railroad company shall be changed, such company may, within two months after the report of said commission has been confirmed by the court, abandon its location in the public ways in East Boston and file a notice to that effect in the court which has confirmed said report; and in such case the decision of said commission, so far as it relates to the railroad company making such abandonment, shall not be enforced. Any railroad company filing such notice shall, within six months after such filing, remove its railroad tracks from within the limits of every public way in East Boston, and any court having jurisdiction in equity shall have authority in equity to compel such removal. But such company may retain possession and control of its docks and wharves between Marginal street, East Boston, and tide water, and of all real estate now owned or occupied by it outside of public ways.

Approved June 5, 1895.

Chap. 492 AN ACT TO PROVIDE ADDITIONAL ACCOMMODATION FOR THE COURTS OF THE COUNTY OF MIDDLESEX SITTING AT LOWELL.

Be it enacted, etc., as follows:

Addition to county court house to be erected.

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized to provide additional accommodations for the several courts of said county sitting at Lowell, by the erection of an addition to the present county court house in said city. The expense incurred for building said addition and for furnishing and equipping the same ready for the use of the courts shall not exceed three hundred and seventy thousand dollars; and said commissioners shall make no contracts calling for a larger expenditure in the aggregate for said purpose than the amount herein specified.

Plans, etc., to be approved by a board.

SECTION 2. No contracts shall be made for the construction and furnishing of said building until plans and

estimates in detail have been prepared and submitted to a board to consist of the judges of probate for the county of Middlesex and the register of deeds for the northern district of said county, and approved by such board. And such approval shall not be given unless said board is satisfied that the cost of the building and its furnishings, ready for the use of the courts, will not exceed the amount of three hundred and seventy thousand dollars.

SECTION 3. The county commissioners, after said plans have been so approved, shall advertise for proposals for said work. Such advertisements shall be published in at least two daily newspapers published in the city of Boston for at least two weeks successively prior to the time specified therein for opening said proposals. The contracts for said work shall be awarded to the lowest responsible bidder, but shall not be so awarded by the county commissioners until said contracts have been approved by the board provided for in section two of this act.

County commissioners to advertise for proposals for work, etc.

SECTION 4. In order to meet the expense incurred under this act the county commissioners may issue coupon or registered bonds of said county to an amount not exceeding in the aggregate three hundred and seventy thousand dollars: *provided*, that the amount of bonds issued for said purpose during the year eighteen hundred and ninety-five shall not exceed one hundred thousand dollars. Before issuing any such bonds said commissioners shall advertise for proposals for the amount to be issued, in two daily newspapers published in the city of Boston; and the bonds shall be sold to the highest bidder. The indebtedness so incurred by said county shall be paid out of amounts received for taxes, at the rate of ten thousand dollars each year, commencing with the year eighteen hundred and ninety-six, until the whole indebtedness is paid.

May issue bonds.

Proviso.

Payment of indebtedness.

SECTION 5. Chapter one hundred and sixty of the acts of the year eighteen hundred and ninety-three is hereby repealed. All sums heretofore expended under said act shall be deemed a part of the expenditures authorized by this act, and shall be included within the sum of three hundred and seventy thousand dollars above-mentioned.

Repeal, etc.

SECTION 6. This act shall take effect upon its passage.

Approved June 5, 1895.

*Chap.*493 AN ACT ESTABLISHING THE SALARIES OF REGISTER* AND ASSISTANT REGISTERS OF DEEDS, AND PROVIDING FOR THE PAYMENT OF FEES RECEIVED BY THEM TO THE SEVERAL COUNTIES.

Be it enacted, etc., as follows:

Registers and
assistant regis-
ters of deeds,
compensation.

SECTION 1. Registers of deeds and assistant registers of deeds shall receive annual salaries as follows:— For the county of Barnstable the register fifteen hundred dollars; for the Berkshire middle district the register fifteen hundred dollars; for the Berkshire northern district the register fifteen hundred dollars; for the Berkshire southern district the register six hundred dollars; for the Bristol northern district the register two thousand dollars; for the Bristol southern district the register twenty-two hundred dollars, the assistant register six hundred dollars; for the Fall River registry district in the county of Bristol the register twenty-two hundred dollars; for the county of Dukes County the register six hundred dollars; for the Essex northern district the register seventeen hundred dollars; for the Essex southern district the register four thousand dollars, the assistant register seventeen hundred dollars; for the county of Franklin the register fifteen hundred dollars; for the county of Hampden the register twenty-eight hundred dollars; for the county of Hampshire the register sixteen hundred dollars; for the Middlesex northern district the register two thousand dollars; for the Middlesex southern district the register five thousand dollars, the assistant register fifteen hundred dollars; for the county of Nantucket the register six hundred dollars; for the county of Norfolk the register three thousand dollars, the assistant register sixteen hundred dollars; for the county of Plymouth the register twenty-six hundred dollars, the assistant register one thousand dollars; for the county of Suffolk the register fifty-five hundred dollars, the assistant register three thousand dollars; for the Worcester district the register three thousand dollars, the assistant register twelve hundred dollars; for the Worcester northern district the register eighteen hundred dollars. Said salaries shall be paid in monthly instalments by the respective counties and shall be at the same rates for any part of a year.

Clerical assist-
ance, etc.

SECTION 2. Registers of deeds shall be allowed for assistant registers, where no salary is fixed by this act, and for clerical assistance upon their sworn certificates

filed with the county treasurer that the work was actually performed and was necessary, with the amount of such work or the time occupied and the names of the persons by whom the work was performed, such sums as are designated in said certificate. Said sums shall be paid from the county treasury to the person or persons employed.

SECTION 3. Each register of deeds shall keep a cash book which shall be county property, in which shall be kept accounts of all fees received by such register for all official acts and services required under the laws of the Commonwealth; and said register of deeds shall on the first day of each month pay over to the treasurer of the county, or other officer entitled to receive the same, all fees received as aforesaid during the preceding month, and shall render an account on oath of the same to the treasurer or other officer entitled to receive the same.

Accounts to be kept.

SECTION 4. The controller of county accounts by himself or one of his deputies, shall, at least once in each year, examine the accounts of registers of deeds.

Examination of accounts.

SECTION 5. Registers of deeds shall be subject to all the provisions of chapter four hundred and thirty-eight of the acts of the year eighteen hundred and eighty-seven, and acts in amendment thereof, so far as the same are applicable.

To be subject to certain provisions of law.

SECTION 6. Section twenty-nine of chapter twenty-four of the Public Statutes and all acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 7. This act shall take effect on the first day of October in the year eighteen hundred and ninety-five.

To take effect October 1, 1895.

Approved June 5, 1895.

AN ACT RELATIVE TO ROADS, SIDEWALKS AND SEWERS IN THE CITY OF BOSTON.

Chap. 494

Be it enacted, etc., as follows:

SECTION 1. Whenever the board of street commissioners of the city of Boston shall have passed an order laying out, locating anew, altering or widening a highway, such order shall be construed to include the taking of land for the highway, the removal of obstructions therefrom, and the bringing of the land to substantially the grades specified in the order.

Laying out, etc., of highways.

Superintendent
of streets, etc.,
to have direc-
tion of certain
work, etc.

SECTION 2. The superintendent of streets, or any other officer of said city who may be so directed by the mayor of said city, shall have the direction of the work of carrying out any order of said board for laying out, locating anew, altering, widening or constructing a highway, and any order of said board or of the board of aldermen of said city for laying or making any sidewalk or sewer; and in doing such work may make the grades and coverings of the highway, the heights, widths and materials for the sidewalks, and the other particulars of the construction of the highway, and the locations, sizes and materials of the sewers and pipes to be placed therein, different from those which may be specified in the order therefor, and any work done by said superintendent or other officer, in laying out, locating anew, altering, widening or constructing a highway, or laying or making a sidewalk or sewer, shall be deemed to be done in carrying out the order therefor, whether done according to the directions in the order or otherwise.

To apply to the
laying or mak-
ing of side-
walks, sewers,
etc.

SECTION 3. The provisions of the two preceding sections shall apply to the carrying out of all orders for laying out, locating anew, altering, widening or constructing highways, or laying or making sidewalks or sewers in said city, whether heretofore or hereafter passed under the authority of any general or special act.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 495 AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

Be it enacted, etc., as follows:

State tax
apportioned and
assessed.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

- Abington, fifteen hundred dollars.
- Acton, nine hundred dollars.
- Acushnet, three hundred and seventy-five dollars.
- Adams, twenty-three hundred and ten dollars.
- Agawam, eight hundred and ten dollars.
- Alford, one hundred and thirty-five dollars.
- Amesbury, thirty-one hundred and thirty-five dollars.
- Amherst, nineteen hundred and five dollars.
- Andover, twenty-nine hundred and forty dollars.

Arlington, forty-eight hundred and thirty dollars.
 Ashburnham, six hundred and forty-five dollars.
 Ashby, three hundred and fifteen dollars.
 Ashfield, three hundred and fifteen dollars.
 Ashland, seven hundred and thirty-five dollars.
 Athol, twenty-two hundred and sixty-five dollars.
 Attleborough, twenty-seven hundred and sixty dollars.
 Auburn, three hundred and forty-five dollars.
 Avon, four hundred and sixty-five dollars.
 Ayer, eight hundred and twenty-five dollars.
 Barnstable, twenty-three hundred and ten dollars.
 Barre, eight hundred and eighty-five dollars.
 Becket, two hundred and eighty-five dollars.
 Bedford, five hundred and eighty-five dollars.
 Belchertown, five hundred and forty dollars.
 Bellingham, four hundred and twenty dollars.
 Belmont, twenty-two hundred and sixty-five dollars.
 Berkley, two hundred and seventy dollars.
 Berlin, three hundred dollars.
 Bernardston, two hundred and fifty-five dollars.
 Beverly, eighty-six hundred and eighty-five dollars.
 Billerica, eleven hundred and eighty-five dollars.
 Blackstone, sixteen hundred and twenty dollars.
 Blandford, two hundred and seventy dollars.
 Bolton, two hundred and eighty-five dollars.
 Boston, five hundred thirty-eight thousand nine hundred
 and twenty dollars.
 Bourne, one thousand and five dollars.
 Boxborough, one hundred and thirty-five dollars.
 Boxford, three hundred and seventy-five dollars.
 Boylston, three hundred dollars.
 Bradford, sixteen hundred and fifty dollars.
 Braintree, twenty-six hundred and seventy dollars.
 Brewster, three hundred and seventy-five dollars.
 Bridgewater, fifteen hundred and fifteen dollars.
 Brimfield, two hundred and fifty-five dollars.
 Brockton, twelve thousand nine hundred and thirty dollars.
 Brookfield, nine hundred dollars.
 Brookline, thirty-five thousand six hundred and eighty-five
 dollars.
 Buckland, three hundred and sixty dollars.
 Burlington, three hundred dollars.
 Cambridge, forty-six thousand eight hundred dollars.
 Canton, twenty-five hundred and ninety-five dollars.
 Carlisle, two hundred and ten dollars.
 Carver, four hundred and ninety-five dollars.
 Charlemont, two hundred and forty dollars.
 Charlton, five hundred and eighty-five dollars.
 Chatham, five hundred and seventy dollars.

State tax
 apportioned and
 assessed.

State tax
apportioned and
assessed.

Chelmsford, twelve hundred and forty-five dollars.
Chelsea, thirteen thousand five hundred and forty-five dollars.
Cheshire, four hundred and fifty dollars.
Chester, three hundred and ninety dollars.
Chesterfield, one hundred and eighty dollars.
Chicopee, forty-nine hundred and eighty dollars.
Chilmark, one hundred and thirty-five dollars.
Clarksburg, one hundred and fifty dollars.
Clinton, forty-one hundred and seventy dollars.
Colasset, twenty-eight hundred and eighty dollars.
Colrain, three hundred and sixty dollars.
Concord, twenty-five hundred and twenty dollars.
Conway, four hundred and thirty-five dollars.
Cottage City, eight hundred and forty dollars.
Cummington, one hundred and ninety-five dollars.
Dalton, seventeen hundred and fifty-five dollars.
Dana, one hundred and eighty dollars.
Danvers, twenty-seven hundred dollars.
Dartmouth, sixteen hundred and twenty dollars.
Dedham, thirty-nine hundred and forty-five dollars.
Deerfield, nine hundred and ninety dollars.
Dennis, ten hundred and five dollars.
Dighton, five hundred and ten dollars.
Douglas, six hundred and thirty dollars.
Dover, five hundred and eighty-five dollars.
Dracut, ten hundred and five dollars.
Dudley, six hundred and seventy-five dollars.
Dunstable, one hundred and eighty dollars.
Duxbury, nine hundred and forty-five dollars.
East Bridgewater, nine hundred and ninety dollars.
East Longmeadow, four hundred and twenty dollars.
Eastham, one hundred and eighty dollars.
Easthampton, fifteen hundred dollars.
Easton, three thousand and forty-five dollars.
Edgartown, four hundred and fifty dollars.
Egremont, two hundred and eighty-five dollars.
Enfield, four hundred and eighty dollars.
Erving, two hundred and forty dollars.
Essex, six hundred dollars.
Everett, seventy-three hundred and eighty dollars.
Fairhaven, eleven hundred and eighty-five dollars.
Fall River, thirty-seven thousand three hundred and twenty dollars.
Falmouth, thirty-six hundred and seventy-five dollars.
Fitchburg, eleven thousand eight hundred and eighty dollars.
Florida, one hundred and five dollars.
Foxborough, ten hundred and twenty dollars.

Framingham, fifty-five hundred and ninety-five dollars.
 Franklin, eighteen hundred dollars.
 Freetown, five hundred and forty dollars.
 Gardner, three thousand and forty-five dollars.
 Gay Head, fifteen dollars.
 Georgetown, six hundred and forty-five dollars.
 Gill, two hundred and eighty-five dollars.
 Gloucester, ninety-seven hundred and fifty dollars.
 Goshen, ninety dollars.
 Gosnold, one hundred and twenty dollars.
 Grafton, fourteen hundred and eighty-five dollars.
 Granby, two hundred and eighty-five dollars.
 Granville, two hundred and twenty-five dollars.
 Great Barrington, twenty-two hundred and five dollars.
 Greenfield, thirty-one hundred and ninety-five dollars.
 Greenwich, one hundred and sixty-five dollars.
 Groton, seventeen hundred and fifty-five dollars.
 Groveland, six hundred dollars.
 Hadley, six hundred and thirty dollars.
 Halifax, one hundred and sixty-five dollars.
 Hamilton, six hundred and forty-five dollars.
 Hampden, two hundred and forty dollars.
 Hancock, two hundred and ten dollars.
 Hanover, eight hundred and seventy dollars.
 Hanson, three hundred and ninety dollars.
 Hardwick, nine hundred and thirty dollars.
 Harvard, six hundred and fifteen dollars.
 Harwich, seven hundred and fifty dollars.
 Hatfield, six hundred and thirty dollars.
 Haverhill, twelve thousand six hundred and thirty dollars.
 Hawley, one hundred and five dollars.
 Heath, one hundred and twenty dollars.
 Hingham, twenty-seven hundred and fifteen dollars.
 Hinsdale, four hundred and sixty-five dollars.
 Holbrook, eight hundred and ten dollars.
 Holden, seven hundred and twenty dollars.
 Holland, sixty dollars.
 Holliston, ten hundred and thirty-five dollars.
 Holyoke, sixteen thousand three hundred and twenty dollars.
 Hopedale, fifteen hundred and sixty dollars.
 Hopkinton, twelve hundred and sixty dollars.
 Hubbardston, four hundred and twenty dollars.
 Hudson, seventeen hundred and eighty-five dollars.
 Hull, fifteen hundred and sixty dollars.
 Huntington, three hundred and thirty dollars.
 Hyde Park, five thousand and eighty-five dollars.
 Ipswich, seventeen hundred and seventy dollars.
 Kingston, one thousand and five dollars.

State tax
 apportioned and
 assessed.

State tax
apportioned and
assessed.

Lakeville, three hundred and forty-five dollars.
 Lancaster, seventeen hundred and eighty-five dollars.
 Lanesborough, three hundred and fifteen dollars.
 Lawrence, nineteen thousand nine hundred and twenty dollars.
 Lee, eleven hundred and ten dollars.
 Leicester, fourteen hundred and ten dollars.
 Lenox, seventeen hundred and eighty-five dollars.
 Leominster, thirty-four hundred and twenty dollars.
 Leverett, one hundred and eighty dollars.
 Lexington, twenty-four hundred and forty-five dollars.
 Leyden, one hundred and five dollars.
 Lincoln, thirteen hundred and eighty dollars.
 Littleton, five hundred and twenty-five dollars.
 Longmeadow, three hundred and seventy-five dollars.
 Lowell, forty-two thousand dollars.
 Ludlow, six hundred and forty-five dollars.
 Lunenburg, four hundred and eighty dollars.
 Lynn, twenty-nine thousand seven hundred and fifteen dollars.
 Lynnfield, three hundred and sixty dollars.
 Malden, fourteen thousand eight hundred and thirty-five dollars.
 Manchester, forty-two hundred and sixty dollars.
 Mansfield, ten hundred and ninety-five dollars.
 Marblehead, thirty-four hundred and sixty-five dollars.
 Marion, four hundred and ninety-five dollars.
 Marlborough, forty-nine hundred and sixty-five dollars.
 Marshfield, eight hundred and ten dollars.
 Mashpee, one hundred and five dollars.
 Mattapoisett, nine hundred dollars.
 Maynard, twelve hundred and sixty dollars.
 Medfield, eight hundred and fifty-five dollars.
 Medford, ninety-three hundred and forty-five dollars.
 Medway, seven hundred and ninety-five dollars.
 Melrose, fifty-eight hundred and ninety-five dollars.
 Mendon, three hundred and thirty dollars.
 Merrimac, eight hundred and ten dollars.
 Methuen, twenty-one hundred and fifteen dollars.
 Middleborough, twenty-five hundred and fifty dollars.
 Middlefield, one hundred and fifty dollars.
 Middleton, three hundred and fifteen dollars.
 Milford, thirty-three hundred and fifteen dollars.
 Millbury, fourteen hundred and forty dollars.
 Millis, five hundred and ten dollars.
 Milton, eleven thousand seven hundred and seventy-five dollars.
 Monroe, ninety dollars.
 Monson, twelve hundred dollars.

Montague, twenty-one hundred and ninety dollars.
 Monterey, one hundred and fifty dollars.
 Montgomery, ninety dollars.
 Mount Washington, forty-five dollars.
 Nahant, thirty-four hundred and sixty-five dollars.
 Nantucket, eighteen hundred and fifteen dollars.
 Natick, thirty-four hundred and twenty dollars.
 Needham, sixteen hundred and ninety-five dollars.
 New Ashford, forty-five dollars.
 New Bedford, thirty thousand nine hundred and fifteen dollars.
 New Braintree, two hundred and fifty-five dollars.
 New Marlborough, three hundred and forty-five dollars.
 New Salem, one hundred and ninety-five dollars.
 Newbury, six hundred and forty-five dollars.
 Newburyport, sixty-seven hundred and thirty-five dollars.
 Newton, twenty-seven thousand, four hundred and ninety-five dollars.
 Norfolk, three hundred and fifteen dollars.
 North Adams, forty-six hundred and ninety-five dollars.
 North Andover, two thousand and twenty-five dollars.
 North Attleborough, twenty-four hundred dollars.
 North Brookfield, twelve hundred dollars.
 North Reading, three hundred and fifteen dollars.
 Northampton, sixty-two hundred and seventy dollars.
 Northborough, seven hundred and sixty-five dollars.
 Northbridge, twenty-one hundred and seventy-five dollars.
 Northfield, five hundred and eighty-five dollars.
 Norton, four hundred and ninety-five dollars.
 Norwell, six hundred and sixty dollars.
 Norwood, eighteen hundred and forty-five dollars.
 Oakham, two hundred and ten dollars.
 Orange, twenty-four hundred and fifteen dollars.
 Orleans, four hundred and twenty dollars.
 Otis, one hundred and thirty-five dollars.
 Oxford, seven hundred and ninety-five dollars.
 Palmer, seventeen hundred and forty dollars.
 Paxton, one hundred and sixty-five dollars.
 Peabody, forty-six hundred and ninety-five dollars.
 Pelham, one hundred and five dollars.
 Pembroke, four hundred and five dollars.
 Pepperell, twelve hundred and thirty dollars.
 Peru, seventy-five dollars.
 Petersham, three hundred and ninety dollars.
 Phillipston, one hundred and eighty dollars.
 Pittsfield, eight thousand and seventy dollars.
 Plainfield, one hundred and five dollars.
 Plymouth, thirty-nine hundred and sixty dollars.
 Plympton, one hundred and ninety-five dollars.

State tax
 apportioned and
 assessed.

State tax
apportioned and
assessed.

Prescott, one hundred and five dollars.
 Princeton, four hundred and ninety-five dollars.
 Provincetown, thirteen hundred and sixty-five dollars.
 Quincy, ten thousand and ninety-five dollars.
 Randolph, fourteen hundred and ten dollars.
 Raynham, five hundred and forty dollars.
 Reading, twenty-one hundred dollars.
 Rehoboth, four hundred and fifty dollars.
 Revere, thirty-nine hundred and thirty dollars.
 Richmond, two hundred and ten dollars.
 Rochester, three hundred and thirty dollars.
 Rockland, eighteen hundred and sixty dollars.
 Rockport, fifteen hundred and ninety dollars.
 Rowe, one hundred and fifty dollars.
 Rowley, four hundred and twenty dollars.
 Royalston, three hundred and seventy-five dollars.
 Russell, three hundred dollars.
 Rutland, three hundred and fifteen dollars.
 Salem, seventeen thousand five hundred and fifty dollars.
 Salisbury, three hundred and ninety dollars.
 Sandisfield, two hundred and ten dollars.
 Sandwich, five hundred and eighty-five dollars.
 Saugus, seventeen hundred and seventy dollars.
 Savoy, one hundred and five dollars.
 Scituate, twelve hundred and thirty dollars.
 Seekonk, five hundred and twenty-five dollars.
 Sharon, nine hundred and seventy-five dollars.
 Sheffield, five hundred and forty dollars.
 Shelburne, five hundred and fifty-five dollars.
 Sherborn, four hundred and ninety-five dollars.
 Shirley, four hundred and fifty dollars.
 Shrewsbury, six hundred dollars.
 Shutesbury, one hundred and five dollars.
 Somerset, six hundred and forty-five dollars.
 Somerville, twenty-five thousand eight hundred and ninety dollars.
 South Hadley, fourteen hundred and ten dollars.
 Southampton, three hundred dollars.
 Southborough, nine hundred and seventy-five dollars.
 Southbridge, twenty-four hundred and forty-five dollars.
 Southwick, three hundred and thirty dollars.
 Spencer, twenty-five hundred and five dollars.
 Springfield, thirty-five thousand two hundred and five dollars.
 Sterling, five hundred and twenty-five dollars.
 Stockbridge, eighteen hundred and sixty dollars.
 Stoneham, twenty-four hundred and thirty dollars.
 Stoughton, eighteen hundred and fifteen dollars.
 Stow, three hundred and ninety dollars.

State tax
apportioned and
assessed.

Sturbridge, five hundred and eighty-five dollars.
 Sudbury, seven hundred and five dollars.
 Sunderland, two hundred and fifty-five dollars.
 Sutton, eight hundred and ten dollars.
 Swampscott, thirty-three hundred and ninety dollars.
 Swanzey, five hundred and twenty-five dollars.
 Taunton, eleven thousand nine hundred and seventy dol-
 lars.
 Templeton, eight hundred and forty dollars.
 Tewksbury, nine hundred dollars.
 Tisbury, four hundred and ninety-five dollars.
 Tolland, ninety dollars.
 Topsfield, five hundred and twenty-five dollars.
 Townsend, seven hundred and twenty dollars.
 Truro, two hundred and twenty-five dollars.
 Tyngsborough, two hundred and forty dollars.
 Tyringham, one hundred and thirty-five dollars.
 Upton, six hundred and thirty dollars.
 Uxbridge, thirteen hundred and sixty-five dollars.
 Wakefield, thirty-five hundred and ten dollars.
 Wakes, one hundred and eighty dollars.
 Walpole, twelve hundred and forty-five dollars.
 Waltham, eleven thousand one hundred and ninety dollars.
 Ware, twenty-six hundred and fifty-five dollars.
 Wareham, twelve hundred and sixty dollars.
 Warren, sixteen hundred and eighty dollars.
 Warwick, one hundred and ninety-five dollars.
 Washington, one hundred and twenty dollars.
 Watertown, forty-eight hundred and ninety dollars.
 Wayland, nine hundred and forty-five dollars.
 Webster, twenty-three hundred and ten dollars.
 Wellesley, thirty-nine hundred and ninety dollars.
 Wellfleet, four hundred and sixty-five dollars.
 Wendell, one hundred and fifty dollars.
 Wenham, four hundred and five dollars.
 West Boylston, eight hundred and twenty-five dollars.
 West Bridgewater, six hundred dollars.
 West Brookfield, five hundred and ten dollars.
 West Newbury, six hundred dollars.
 West Springfield, twenty-four hundred and seventy-five
 dollars.
 West Stockbridge, three hundred and forty-five dollars.
 West Tisbury, two hundred and forty dollars.
 Westborough, sixteen hundred and eighty dollars.
 Westfield, forty-seven hundred and fifty-five dollars.
 Westford, eight hundred and twenty-five dollars.
 Westhampton, one hundred and fifty dollars.
 Westminster, four hundred and sixty-five dollars.
 Weston, twenty-one hundred and forty-five dollars.

State tax
apportioned and
assessed.

Westport, nine hundred and forty-five dollars.
Weymouth, four thousand and ninety-five dollars.
Whately, two hundred and eighty-five dollars.
Whitman, twenty-one hundred and ninety dollars.
Wilbraham, five hundred and ten dollars.
Williamsburg, five hundred and seventy dollars.
Williamstown, fifteen hundred and fifteen dollars.
Wilmington, five hundred and forty dollars.
Winchendon, fourteen hundred and ten dollars.
Winchester, thirty-eight hundred and eighty-five dollars.
Windsor, one hundred and twenty dollars,
Winthrop, twenty-six hundred and ten dollars.
Woburn, fifty-eight hundred and twenty dollars.
Worcester, fifty-four thousand four hundred and thirty-five dollars.
Worthington, one hundred and ninety-five dollars.
Wrentham, nine hundred and fifteen dollars.
Yarmouth, twelve hundred and sixty dollars.

Treasurer to
issue warrant.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Payment of
assessments.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year eighteen hundred and ninety-five, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October in the year eighteen hundred and ninety-five.

Notice to
treasurers of
delinquent cities
and towns, etc.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would

be equal to one per centum per month during such delinquency from and after the tenth day of December in the year eighteen hundred and ninety-five; and if the same remains unpaid after the first day of January in the year eighteen hundred and ninety-six, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

Warrant of distress may issue.

SECTION 5. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT RELATIVE TO INSPECTION OF DOMESTIC ANIMALS.

Chap. 496

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter four hundred and ninety-one of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting in the second line, after the word "cattle", the words:— sheep and swine,—and by inserting in the twelfth line, after the word "animals", the words:—and any barn, stable or premises where any such animals are kept,—also by adding at the end of said section the words:—*provided*, nothing in this act shall apply to the inspection of sheep or swine slaughtered in wholesale slaughtering establishments, or to the obtaining of a license for the slaughtering of such sheep or swine,—so as to read as follows:— *Section 4.* Said inspectors shall make regular and thorough inspections of all neat cattle, sheep and swine found within the limits of their several cities and towns. Such inspections shall be made at such times and in such manner as the board of cattle commissioners shall from time to time determine and direct. They shall also make, from time to time, inspections of all other domestic animals within the limits of their several cities and towns, whenever they have knowledge or reason to suspect that such animals are affected with or have been exposed to any contagious disease, and they shall immediately inspect any and all domestic animals and any barn, stable, or premises where any such animals are kept, whenever directed so to do by the board of cattle commissioners or any of its members: *provided*, nothing in

1894, 491, § 4, amended.

Inspectors to inspect domestic animals, etc.

Proviso.

this act shall apply to the inspection of sheep or swine slaughtered in wholesale slaughtering establishments, or to the obtaining of a license for the slaughtering of such sheep or swine.

1894, 491, § 6,
amended.

SECTION 2. Section six of said chapter is hereby amended by inserting in the second line, after the word "cattle", the words: — sheep or swine, — by striking out in said second line, after the word "such", the word "cattle", and inserting in place thereof the word: — animals, — so as to read as follows: — *Section 6.* Whenever an inspector is satisfied, upon an examination of any neat cattle, sheep or swine, that such animals are free from contagious disease, he shall deliver to the owner or to the person in charge thereof, a written certificate of their wholesome condition, signed by him, which certificate shall be in such form as the board of cattle commissioners shall prescribe, and shall cause a copy of said certificate to be entered upon his records.

Certificates to
issue when
certain animals
are found to be
free from con-
tagious disease.

1894, 491, § 17,
amended.

SECTION 3. Section seventeen of said chapter is hereby amended by striking out in the fifth line, the word "cattle", and inserting in place thereof the words: — neat cattle, sheep or swine, — by striking out in the twentieth line, the word "cattle", and inserting in place thereof the words: — neat cattle, sheep and swine, — so as to read as follows: — *Section 17.* The proprietor or proprietors of every slaughter house, canning, salting, smoking or rendering establishment, and of every establishment used for the manufacture of sausages or chopped meat of any kind, engaged in the slaughter of neat cattle, sheep or swine, the carcass or any of the meat or product of which is to be sold or used for food, shall within thirty days after the passage of this act, and thereafter annually in the month of April, make application to the mayor and aldermen of the city or the selectmen of the town where such slaughter house or establishment is located, for a license to carry on such business. Such application shall be in writing, signed by one or more of the owners thereof, or by one or more of the persons carrying on such business; if such owner or the person carrying on such business be a corporation, then by some officer thereof thereto duly authorized. Such application shall give the name in full and address of all the owners or persons carrying on said business, the location of the slaughter house or establishment where said business is to be conducted, shall state the estimated number of neat

Proprietors of
slaughter
houses, etc.,
to make annual
applications for
licenses.

Form of
application.

cattle, sheep and swine to be slaughtered per week, the day or days of the week upon which it is intended to slaughter the same, and the nature of the product or products thereof to be sold or used for food. Every such application shall be sworn to before a justice of the peace.

SECTION 4. Section eighteen of said chapter is hereby amended by striking out in the fifth line, the word "cattle", and inserting in place thereof the words:—neat cattle, sheep or swine,—and by adding at the end thereof the words:—The board or officer of every city or town authorized to issue said licenses shall on or before the first day of June in each year send to the board of cattle commissioners a copy of every application made to them under section seventeen of this act, and shall state the doings of said board or officer upon said application; and shall further send to the board of cattle commissioners the names and addresses of all persons required to make application under section seventeen, who were engaged in such business on the last day of the previous April, and who have failed to make application as provided in said section,—so as to read as follows:—*Section 18.* The mayor and aldermen of cities and the selectmen of towns, or such other board of officers as they shall designate, may annually issue to persons applying therefor licenses to carry on the business of slaughtering neat cattle, sheep or swine, and there shall be paid to such city or town for every such license, by the person or persons obtaining the same, a fee of one dollar. Every such license shall name the person or persons licensed to conduct such business, the building or establishment where the same is to be carried on, and such license shall continue until the first day of May of the year next ensuing, or until sooner forfeited or rendered void. The board or officer of every city or town authorized to issue licenses hereby, shall keep a record of all applications for licenses under section seventeen, and shall record therein every license issued by him or them, and such records shall be competent evidence in any court of the issue of any such license. The board or officer of every city or town authorized to issue said licenses shall on or before the first day of June in each year send to the board of cattle commissioners a copy of every application made to them under section seventeen of this act, and shall state the doings of said board or officer upon said application; and shall further send to the board of

1894, 491, § 18,
amended.

Licenses to
carry on
business of
slaughtering,
etc.

Record of appli-
cations to be
kept, etc.

Copy of appli-
cation, etc., to
be sent to cattle
commissioners.

cattle commissioners the names and addresses of all persons required to make application under section seventeen, who were engaged in such business on the last day of the previous April, and who have failed to make application as provided in said section.

1894, 491, § 19,
amended.

Slaughtering of
certain animals
regulated.

SECTION 5. Section nineteen of said chapter is hereby amended by striking out in the fourth line, the word “cattle”, and inserting in place thereof the words:—neat cattle, sheep or swine,—and by striking out in the seventh line, the word “cattle”, and inserting in place thereof the word:—animals,—so as to read as follows:—*Section 19.* No person or persons licensed under the preceding section shall slaughter or cause or authorize to be slaughtered at such slaughter house or establishment, except in the presence of an inspector, any neat cattle, sheep or swine on any day or days other than those specified in the application for such license, except that such licensee may at any time change the day or days for slaughtering such animals, by giving at least seven days’ written notice of such change to the board or person authorized to issue licenses under the provisions of section eighteen; and such board or person shall immediately give written notice of such change to all inspectors appointed by such city or town.

1894, 491, § 20,
amended.

Duties and
powers of
inspectors.

SECTION 6. Section twenty of said chapter is hereby amended by striking out in the twelfth line, the word “cattle”, and inserting in place thereof the words:—neat cattle, sheep and swine,—by striking out in the fourteenth line, the word “cattle”, and inserting in place thereof the words:—neat cattle, sheep and swine,—so as to read as follows:—*Section 20.* It shall be the duty of the inspectors of animals and provisions of the several cities and towns, or when there is more than one inspector appointed for any such city or town and any one of them has been duly selected and ordered so to do by the board of health of such city or town, then of such inspector so selected and ordered, to be present at all licensed slaughter houses or establishments upon the day or days designated for slaughter in the application for such license, or at such other day or days as may be designated, under the provisions of section nineteen, and there carefully examine at the time of slaughter the carcasses of all neat cattle, sheep and swine slaughtered thereat. And it shall be the duty of such inspectors also to examine at the time of slaughter any and all neat cattle, sheep and swine slaughtered as

provided in section twenty-one of this act, whenever notified so to do by the person slaughtering the same. Such inspection shall be made in such manner and under such rules and regulations as the board of cattle commissioners may from time to time determine and direct. Whenever, in the opinion of any inspector, any of said carcasses are diseased or any meat or product thereof is diseased, corrupted, unwholesome or unfit for food, he shall seize the same and cause it to be destroyed, as provided in section ten of this act, subject however to the provisions therein contained concerning appeal and the disposal of money.

SECTION 7. Section twenty-one of said chapter is hereby amended by striking out in the fifth line thereof, the word “cattle”, and inserting in place thereof the words: — neat cattle, sheep or swine, — by inserting in the eleventh line, after the word “animal”, the words: — is less than six months old or, — so as to read as follows: — *Section 21.* None of the provisions of sections seventeen, eighteen, nineteen and twenty of this act shall apply to the slaughter from time to time by any person not engaged in such business, as provided in section seventeen, of one or more of his own neat cattle, sheep or swine, when the same are slaughtered upon his own premises other than a slaughter house or establishment mentioned in section seventeen, but such persons shall cause such carcass to be inspected at the time of slaughter, by an inspector of animals and provisions appointed under the provisions of this act, unless said animal is less than six months old or has been duly inspected under the provisions of this act within six months prior to such slaughter and a certificate of health has been delivered to the owner or person in charge thereof, as provided in section six.

1894, 491, § 21,
amended.

Provisions of
sections 17 to 20
not to apply in
certain cases.

SECTION 8. Section twenty-two of said chapter is hereby amended by striking out in the fourth line, the word “cattle”, where it occurs therein, and inserting in place thereof the words: — neat cattle, sheep or swine, — by striking out in the tenth line, the word “cattle”, and inserting in place thereof the words: — neat cattle, sheep or swine, — by striking out in the thirteenth line, the word “cattle”, and inserting in place thereof the words: — neat cattle, sheep or swine, — by striking out in the eighteenth line, the word “cattle”, and inserting in place thereof the words: — neat cattle, sheep or swine, — so as to read as

1894, 491, § 22,
amended.

Penalty for slaughtering, etc., in violation of provisions.

follows: — *Section 22.* Any person violating any of the provisions of sections eighteen, nineteen, twenty and twenty-one, or who, being engaged in the business of slaughtering neat cattle, sheep or swine, shall slaughter any neat cattle, sheep or swine, or shall knowingly authorize or cause the same to be slaughtered with the intent of selling the carcass or any of the meat or product thereof for food, without first having applied for and obtained a license, as provided in sections seventeen and eighteen, or who, having obtained such license, slaughters or knowingly authorizes or causes to be slaughtered any neat cattle, sheep or swine without causing the carcass thereof to be inspected as provided in section twenty, or who sells or authorizes or causes to be sold any carcass, meat or product of any neat cattle, sheep or swine, knowing that such carcass or the carcass from which such meat or product was obtained had not been inspected according to the provisions of sections twenty or twenty-one of this act, or who slaughters or knowingly authorizes or causes to be slaughtered any neat cattle, sheep or swine upon his own premises other than a slaughter house or establishment mentioned in section seventeen, without causing the carcass of such animal to be inspected, except as provided in section twenty-one, or who sells, or authorizes or causes to be sold, the carcass or any meat or product thereof, of any such animal slaughtered upon his own premises, knowing that the same has not been inspected as provided in section twenty-one, shall be punished by a fine not exceeding five hundred dollars or by imprisonment in jail for not exceeding sixty days, or by both such fine and imprisonment.

1894, 491, § 27, amended.

SECTION 9. Section twenty-seven of said chapter is hereby amended by striking out all of said section after the word "possession", in the sixth line thereof, and inserting in place thereof the following: — thereof; but whenever specific animals are quarantined or isolated under the provisions of sections seven, twenty-six and forty-five of this act, more than ten days upon such premises, as suspected of being afflicted with a contagious disease, and the owner is forbidden to sell any of the product thereof for food, or whenever any animals are quarantined, collected or isolated on any premises other than those of such owner or person in possession thereof, the expense of such quarantine shall be paid by the Commonwealth, —

so as to read as follows: — *Section 27.* When any animals are quarantined, collected or isolated under the provisions of this act, upon the premises of the owner or of the person in possession thereof at the time such quarantine is imposed, the expense thereof shall be paid by such owner or person in possession thereof; but whenever specific animals are quarantined or isolated under the provisions of sections seven, twenty-six and forty-five of this act, more than ten days upon such premises, as suspected of being afflicted with a contagious disease, and the owner is forbidden to sell any of the product thereof for food, or whenever any animals are quarantined, collected or isolated on any premises other than those of such owner or person in possession thereof, the expense of such quarantine shall be paid by the Commonwealth.

Payment of
expense of
quarantine, etc.

SECTION 10. Section forty-five of said chapter is hereby amended by striking out in the sixth and seventh lines, the words “at the expense of the owner”, by striking out in the twenty-second line, the words “one half of”, and inserting in place thereof the word:—full,—by striking out in the twenty-third and twenty-fifth lines, the words “slaughter for food or milk purposes, and without taking into consideration the existence of such disease”, and inserting in place thereof the words:—condemnation not exceeding the sum of sixty dollars for any one animal,—by inserting in the twenty-seventh line, after the word “been”, the word:—owned,—and by striking out all after the word “thereto”, in the twenty-ninth line, and inserting in place thereof the words:—in the judgment of the cattle commissioners, by wilful act or neglect, contributed to the spread of tuberculosis; but such decision on the part of the commissioners shall not deprive the owner of the right of arbitration as hereinafter provided,—so as to read as follows:—*Section 45.* When the board of cattle commissioners or any of its members, by an examination of a case of contagious disease among domestic animals, becomes satisfied that the public good requires it, such board or commissioner shall cause such animal or animals affected therewith to be securely isolated, or shall cause it or them to be killed without appraisal or payment. Such order of killing shall be in writing, and may be directed to the board of health, inspector or other person, and shall contain such direction as to the examination and disposal of the carcass, and the

1894, 491, § 45,
amended.

Certain animals
to be isolated
or killed, etc.

A reasonable sum to be paid to owner in certain cases.

Proviso.

In case of disagreement value to be determined by arbitrators.

Parties aggrieved may petition to have damages assessed, etc.

cleansing and disinfecting of the premises where such animal was condemned, as such board or commissioner shall deem expedient. A reasonable sum may be paid out of the treasury of the Commonwealth for the expense of such killing and burial. If it shall subsequently appear, upon post mortem examination or otherwise, that such animal was free from the disease for which it was condemned, a reasonable sum therefor shall be paid to the owner thereof by the Commonwealth: *provided, however*, that whenever any cattle condemned as afflicted with the disease of tuberculosis are killed under the provisions of this section the full value thereof at the time of condemnation not exceeding the sum of sixty dollars for any one animal, shall be paid to the owner thereof out of the treasury of the Commonwealth if such animal has been owned within the state six months continuously prior to its being killed, provided such person shall not have, prior thereto, in the judgment of the cattle commissioners, by wilful act or neglect, contributed to the spread of tuberculosis; but such decision on the part of the commissioners shall not deprive the owner of the right of arbitration as hereinafter provided.

SECTION 11. If the owner, who is entitled to compensation for an animal destroyed as afflicted with tuberculosis under section forty-five of said chapter four hundred and ninety-one, and the commissioner condemning the same cannot agree as to the value of the animal so condemned, the question of such value shall be determined by arbitrators, one to be selected by the commissioner, one to be selected by the owner, or if the owner neglects or refuses for twenty-four hours to select an arbitrator, the one already selected shall select a second, and if these two cannot agree, a third to be selected by the two arbitrators first selected. Such arbitrators shall be sworn faithfully to discharge the duties of their office, and shall determine the value of such animal according to the provisions of said section forty-five, and the full value so determined shall be paid to the owner as provided in said section. Either party aggrieved by the doings of the cattle commissioners, or any of its members, under the provisions of said section forty-five, or by the award of such arbitrators, may petition the superior court for the county where such animal was killed, or for the county of Suffolk, to have the damages assessed; such petition shall be by or against the board of cattle

commissioners, and a copy thereof shall be served upon the defendant, or if the petition is against said board of cattle commissioners, upon one of the commissioners, in the same manner as is provided for the service of other civil process. Such petition shall be filed in the clerk's office of the superior court for said county within thirty days after the killing of such animal or animals. Such petition shall be subject to the provisions of section sixty-nine of chapter one hundred and sixty-seven of the Public Statutes, and a trial may be had thereon at the bar of the court, in the same manner as other civil cases are tried. If upon such trial it shall be determined that such animal was not affected with the disease for which it was condemned reasonable compensation may be recovered therefor, and if the owner recovers damages in excess of the amount previously awarded him by the arbitrators, or allowed him by the commissioners, he shall recover his costs; otherwise he shall pay costs. The damages, costs and expenses incurred by the commissioners in prosecuting or defending any such action shall be paid by the Commonwealth.

SECTION 12. The commissioners may examine under oath all persons believed to possess knowledge of material facts concerning the existence or dissemination, or danger of dissemination, of contagious diseases among domestic animals, or concerning any other matter within the provisions of this act and said chapter four hundred and ninety-one, and each of said commissioners shall have all the powers vested in justices of the peace to take depositions, to compel witnesses to attend and testify before said commission, and to administer oaths for any of the purposes of this act by chapters one hundred and fifty-five and one hundred and sixty-nine of the Public Statutes. The fees for such witnesses for attendance and travel shall be the same as for witness before the superior court. All costs and expenses incurred in procuring the attendance of such witnesses shall be allowed and paid by the Commonwealth. Copies of the records of the board of cattle commissioners or of any regulation or order issued by said board or any of its members under the provisions of this act, when duly certified by the secretary of said board, and any certificate by said secretary of the issuing, recording, delivering or publishing of any such orders or regulations under the provisions of section

Commissioners
may examine
certain persons
under oath.

Witness fees,
costs, etc.

Certified copies
of records, etc.,
to be competent
evidence.

forty, shall be competent evidence of such fact in any tribunal.

Amount to be expended.

SECTION 13. The amount to be expended under this act shall not exceed one hundred thousand dollars for the current year.

Use of tuberculin restricted.

SECTION 14. Until June first eighteen hundred and ninety-six the use of tuberculin as a diagnostic agent for the detection of the disease known as tuberculosis in domestic animals shall be restricted to cattle brought into the Commonwealth from any point without its limits, and to all cattle held in quarantine at Brighton, Watertown and Somerville: *provided, however*, that tuberculin may be used as such diagnostic agent on any animal or animals in any other portion of the state upon the consent in writing of the owner or person in possession thereof, and upon any animals condemned as tuberculous upon physical examination by a competent veterinarian.

Proviso.

Repeal.

SECTION 15. Sections forty-six and forty-nine of chapter four hundred and ninety-one of the acts of the year eighteen hundred and ninety-four are hereby repealed.

SECTION 16. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 497 AN ACT TO REGULATE THE MAKING OF LOANS UPON DEPOSITS OR PLEDGES OF PERSONAL PROPERTY.

Be it enacted, etc., as follows:

Certain persons, etc., to be licensed as pawnbrokers.

SECTION 1. No person, corporation, member of a partnership or firm, shall, in any city or town of ten thousand or more inhabitants, engage in or carry on the business of loaning money upon mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling the same back again at a stipulated price, unless such person, corporation, copartnership or firm is licensed as a pawnbroker: *provided, however*, that this act shall apply only when such property is deposited with the party making the loan, and that nothing herein contained shall apply to loans made upon stock, bonds, notes or other written or printed evidences of ownership of property, or of indebtedness to the holder or owner of any such securities.

Proviso.

Granting of licenses.

SECTION 2. The fee for every such license as a pawnbroker shall be fifty dollars. Every such license shall

expire at the end of one year from the date thereof and may be renewed on application to the board of officers granting the same, on payment of the sum above-specified. The board of officers granting such license shall have full power to revoke the same at any time. Every person so licensed shall, at the time of receiving such license, file with the mayor, board of police or board of officers granting the same a bond to the local authorities of such city or town, to be executed by the person so licensed and by two responsible sureties, in the penal sum of three hundred dollars, to be approved of by such mayor, board of police or board of officers, and which bond shall be conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.

To file bond,
etc.

SECTION 3. The board of officers which grants licenses to pawnbrokers in any city or town shall from time to time establish such rules and regulations with reference to the business carried on by them, and the rate of interest to be charged by them, as shall seem to said board to be necessary and proper; and no pawnbroker shall hereafter charge or receive upon any loan a greater rate of interest than that fixed by the board by which his license was issued.

Rules and
regulations.

SECTION 4. Every such pawnbroker shall keep a book in which shall be legibly written in the English language, at the time of making such loan, an account and description of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging such goods, articles or things.

Account and
description of
certain articles
to be kept, etc.

SECTION 5. Every such pawnbroker shall at the time of making such loan deliver to the person pawning or pledging any goods, article or thing, a memorandum or note signed by him, containing the substance of the entry required to be made in his book by the preceding section; and no charge shall be made or required by any pawnbroker for any such entry, memorandum or note.

Pawnbroker to
deliver note to
person pawning
goods, etc.

SECTION 6. Said book shall at all reasonable times be open to the inspection of the mayor, the members of the board of police, the superintendent of police and deputy superintendents, the chief inspector of police, or any person who shall be duly authorized in writing for that purpose by any or either of them, and who shall exhibit such written authority to such pawnbroker.

Books to be
open to inspec-
tion of certain
persons.

Penalty.

SECTION 7. Whoever violates the provisions of this act shall be punished by a fine of not less than fifty dollars and not more than three hundred dollars, or by imprisonment in the house of correction for not more than sixty days, or by both.

Repeal.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 5, 1895.

Chap. 498 AN ACT RELATIVE TO CERTAIN STREETS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Street commis-
sioners may
widen and
construct
certain streets.

SECTION 1. The board of street commissioners of the city of Boston, with the approval of the mayor, may widen and construct Charlestown street; may lay out and construct an avenue from said Charlestown street or Haymarket square over private lands, Cross and other streets to Commercial street; may widen and construct Clinton street from Fulton street to said Commercial street, and may widen and construct said Commercial street and India street from said Cross street to Atlantic avenue.

To determine
cost, etc.

SECTION 2. Said board after any order for any such widening and construction, or laying out and construction, has been carried out, shall determine the cost incurred in carrying out the order, including any expenses in taking land and other doings in the laying out or widening and construction of any such avenue or street, together with any expenses for sewers not exceeding four dollars per foot of sewer laid therein and for the construction of said sewers, and for all other work and material furnished by or for the city in carrying out such order.

Payment of
certain ex-
penses, etc.

SECTION 3. All said expenses, except expenses for gas pipes, water pipes, their connections, and the laying thereof, shall be paid from the proceeds of the loan authorized by chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof or in addition thereto; and said board shall assess a proportional share of said cost upon the real estate which said board shall adjudge receives any benefit and advantage from such laying out or widening and construction, or either of them, or the laying of sewers or pipes as aforesaid, beyond the general advantages to all real estate in said city, to the extent of the total amount of the adjudged benefit and advantage to each estate, whether or not a part thereof is taken for said highway; and the

portion of said cost not so assessed and paid shall be borne by the city of Boston.

SECTION 4. Except as otherwise specified herein sections ten, twelve and thirteen of said chapter, as since added to or amended, shall apply to all proceedings and work done under this act; but in determining damages sustained by the taking of any part of a parcel of land under this act no allowance shall be made by way of set-off or benefit done to the remainder of said parcel, and, except as otherwise specified in section two of this act, sections two, three, five, six, seven and eight of chapter fifty-one of the Public Statutes shall apply to assessments under this act, and notice shall be given of such assessments, as provided in chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-five.

Certain provisions of law to apply, etc.

SECTION 5. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE OFFICE OF THE STATE FIRE MARSHAL.

Chap. 499

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses in the office of the state fire marshal during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-five, to wit: — For the salary of the clerk of the state fire marshal, the sum of fourteen hundred dollars. For the salaries of the two stenographers in the office of the state fire marshal, the sum of eleven hundred dollars each. For the salaries of the two chiefs of aid in the office of the state fire marshal, the sum of twelve hundred dollars each. For the salaries of the eleven aids and one chief of secret service in the office of the state fire marshal, the sum of one thousand dollars each; and for the salary of a messenger, the sum of four hundred dollars. For travelling and contingent expenses of the state fire marshal, his deputies and aids, the same to include fees of witnesses, a sum not exceeding eight thousand six hundred dollars. For services and expenses of persons employed by the state fire marshal in outside secret investigations, a sum not exceeding

Salaries and expenses in office of fire marshal.

four thousand dollars. For postage, printing, stationery and incidental and contingent office expenses of the state fire marshal, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap.500 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

Clerk of police
court of
Brockton,
compensation.

SECTION 1. The salary of the clerk of the police court of the city of Brockton shall be one thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-five.

SECTION 2. This act shall take effect upon its passage.

[This bill, returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House May 29, and, in concurrence, by the Senate May 31, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law."]

Chap.501 AN ACT RELATIVE TO THE PREFERENCE OF VETERANS FOR EMPLOYMENT IN THE PUBLIC SERVICE.

Be it enacted, etc., as follows:

1884, 320, § 14,
sixth clause,
amended.

SECTION 1. The sixth clause of section fourteen of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out in the second line, the words "other qualifications being equal", and adding at the end of said clause the words: — And it shall be the duty of the civil service commissioners to cause the names of veterans, who having been examined and found qualified for appointment to the position for which they have applied, to be placed upon the eligible list in the order of their respective standing above the names of all other persons. Such commission shall cause to be certified to the appointing officers, for appointment, the names of veterans in preference to all others so long as there are names of veterans upon the eligible list; and veterans so certified shall be appointed in preference to those who are not veterans. But nothing herein contained shall be construed to prevent the certifi-

cation and employment of women, — so as to read as follows : —

Sixth, For giving preference in appointments to office and promotions in office to applicants who served in the army or navy of the United States in time of war and have been honorably discharged therefrom. And it shall be the duty of the civil service commissioners to cause the names of veterans, who having been examined and found qualified for appointment to the position for which they have applied, to be placed upon the eligible list in the order of their respective standing above the names of all other persons. Such commission shall cause to be certified to the appointing officers, for appointment, the names of veterans in preference to all others so long as there are names of veterans upon the eligible list; and veterans so certified shall be appointed in preference to those who are not veterans. But nothing herein contained shall be construed to prevent the certification and employment of women.

To provide for giving preference in appointments, etc., to veterans, etc.

SECTION 2. Veterans who have made application for employment in the public service in accordance with the second section of rule twelve of the civil service rules shall be preferred for certification and appointment in preference to all other applicants not veterans, except women : *provided*, that the age limit now established by the civil service rules, with regard to appointments in the police and prison service and fire departments, may be applied to such appointments.

Veterans to be preferred for appointment in preference to other applicants, except women.

Proviso.

SECTION 3. Section one of chapter four hundred and seventy-three of the acts of the year eighteen hundred and eighty-nine is hereby amended by striking out all of said section, after the word “certified”, in the eighth line, — so as to read as follows : — *Section 1.* In all cases of certification for appointment of examined persons under the civil service rules in accordance with the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, persons certified who have served in the army or navy of the United States in time of war and been honorably discharged therefrom shall be appointed in preference to other persons certified.

1889, 473, § 1, amended.

Soldiers and sailors to have preference in appointments.

SECTION 4. The civil service commission shall, within five days after any examination or certification of candidates for positions in the public service, cause a list of the

List of names of persons examined or certified, etc., to be prepared, etc.

names of the persons examined or certified, with the standing attained in the examination, to be prepared, and said list shall be open to the inspection of the public between the hours of ten in the forenoon and two in the afternoon of each day.

Penalty. SECTION 5. Whoever violates any provision of this act shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

Certain terms defined. SECTION 6. The word "application", as used in this act, shall be construed to mean a petition for employment, containing a sworn statement by the applicant that he is qualified to perform the duties of the position which he seeks, and accompanied by certificates from three citizens of good repute in the community stating that they know said applicant to be fully competent to perform the duties of the position sought. The word "veteran", as used in this act, shall be construed to mean a person who served in the United States army or navy during the war of the rebellion and was honorably discharged therefrom.

Repeal. SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

[This bill, returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House June 3, and, in concurrence, by the Senate June 4, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law."]

Chap. 502 AN ACT TO REPEAL THE ACT RELATIVE TO POLITICAL COMMITTEES AND CAUCUSES AND TO CONFER CERTAIN POWERS AND DUTIES UPON THE ELECTION COMMISSIONERS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Repeal. SECTION 1. Chapter five hundred and four of the acts of the year eighteen hundred and ninety-four is hereby repealed.

Certain powers and duties to be vested in election commissioners. SECTION 2. The powers and duties which by law are vested in and imposed upon the mayor and aldermen, registrar of voters or city clerk of the city of Boston in respect to caucuses, shall, except as otherwise specially provided, be vested in and imposed upon the election commissioners of said city.

Approved June 5, 1895.

AN ACT TO ESTABLISH THE MASSACHUSETTS HOSPITAL FOR CON-
SUMPTIVES AND TUBERCULAR PATIENTS. *Chap. 503*

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint five persons who shall constitute the Board of Trustees of the Massachusetts Hospital for Consumptives and Tubercular Patients, and who shall hold office for terms of one, two, three, four and five years respectively, beginning with the first Monday of July in the present year, and until their respective successors are appointed and qualified; and previous to the first Monday in July in each year thereafter the governor shall in like manner appoint one such trustee to hold office for the term of five years, beginning with the first Monday in July of the year of his appointment, and until his successor is appointed and qualified. Any such trustee may be removed by the governor with the advice and consent of the council for such cause as they may deem sufficient and as shall be assigned in the order of removal. Any vacancy occurring in said board shall be filled in like manner for the unexpired term.

Board of trustees of the Massachusetts Hospital for Consumptives and Tubercular Patients, appointment, term, etc.

SECTION 2. The lands held by said trustees in trust for the Commonwealth for the use of said hospital, as hereinafter provided, shall not be taken for a street, highway or railroad without leave of the legislature specially obtained.

Taking of certain lands for a street, highway, etc., restricted.

SECTION 3. Said trustees shall be a corporation for the same purposes for which the trustees of each of the state lunatic hospitals are made a corporation by section five of chapter eighty-seven of the Public Statutes, with all the powers necessary to carry said purposes into effect.

Purposes of corporation.

SECTION 4. Said trustees shall have authority to purchase in behalf of the Commonwealth suitable real estate as a site for said hospital, and to cause to be erected thereon suitable buildings for said hospital which shall furnish suitable accommodations for not less than two hundred patients and for the officers, employees and attendants, and to provide for the equipment and furnishing of said buildings: *provided, however*, that the expenditure for carrying out the purposes of this act shall not exceed one hundred and fifty thousand dollars. No expenditure shall be made for the erection of buildings except for plans therefor, until said plans have been approved by the gov-

May purchase real estate, erect buildings, etc.

Proviso.

ernor and council, and no such approval shall be given unless the governor and council shall be satisfied that the cost of the real estate and the erection and completion of buildings and the equipment and furnishing of the same ready for occupancy will not exceed one hundred and fifty thousand dollars. The trustees shall have authority to make all contracts and employ all agents necessary to carry into effect the provisions of this act.

May make
contracts and
employ agents.

Powers and
duties.

SECTION 5. Said trustees shall have the same powers and shall be required to perform the same duties in the management and control of said hospital as are vested in and required of the trustees of the various state lunatic hospitals under sections six, seven and nine of chapter eighty-seven of the Public Statutes.

Governor to
issue proclama-
tion establishing
hospital.

SECTION 6. When the buildings constructed under the provisions of this act are so far completed that in the opinion of said trustees they may be properly used for the purposes of said hospital, said trustees shall notify the governor, who shall thereupon issue his proclamation establishing said hospital.

Compensation,
etc., of trustees.

SECTION 7. After the establishment of said hospital said trustees shall receive no compensation for their services, but they shall be reimbursed from the treasury of the Commonwealth for all expenses actually incurred by them in the performance of their official duties. The governor and council shall fix the compensation to be paid to them for services rendered in the selection and purchase of real estate and the construction, equipment and furnishing of the hospital buildings.

May appoint
physicians,
assistants, etc.

SECTION 8. Said trustees may appoint the physicians, assistants and employees necessary for the proper administration of the affairs of said hospital and may incur all expenses necessary for the maintenance of the same. Said trustees shall provide homeopathic medical treatment for all patients who desire it and for that purpose shall appoint such number of homeopathic physicians as may be necessary.

Charges for
support of
inmates, etc.

SECTION 9. The charges for the support of the inmates of said hospital as are of sufficient ability to pay for the same, or have persons or kindred bound by law to maintain them, shall be paid by such inmates, such persons, or such kindred at a rate to be determined by the trustees of said hospital. The board of such inmates as have a legal settlement in some city or town shall be paid by said city or

town if such patients are received at said hospital on the request of the overseers of the poor of said city or town. The trustees may in their discretion receive other patients who have no means to pay for treatment; and the board of all such patients shall be paid from the treasury of the Commonwealth.

SECTION 10. There shall be a thorough visitation of said hospital by two of the trustees thereof monthly, and by a majority of them quarterly, and by the whole board semi-annually, at each of which a written report of the state of the institution shall be drawn up, which shall be presented at the annual meeting to be held between the first day of October and the first day of November. At the annual meeting the trustees shall make a detailed report in the same manner as is required of the trustees of the state lunatic hospitals, and shall audit the report of the treasurer, which shall be presented at said annual meeting, and transmit it with their annual report to the governor and council.

Visitation of hospital, annual report.

SECTION 11. The accounts and books of the treasurer shall at all times be open to the inspection of the trustees.

Accounts and books of treasurer.

SECTION 12. For the purpose of meeting any expenses that may be incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred and fifty thousand dollars, for a term not exceeding thirty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of May and November in each year. Such scrip or certificates of indebtedness shall be designated on the face thereof as the Hospital for Consumptives Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States or its equivalent; and said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other mode, and at such time and prices, and in such amounts (the rate of interest not to exceed the rate above-specified) as shall be deemed best. The sinking fund established by chapter three

Hospital for Consumptives Loan.

Sinking fund.

hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the prison and hospital loan sinking fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Certain amount
to be raised by
taxation.

SECTION 13. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 504

AN ACT RELATIVE TO SENTENCES TO THE STATE PRISON.

Be it enacted, etc., as follows:

Term of
imprisonment
of certain
convicts.

SECTION 1. When a convict is sentenced to the state prison, otherwise than for life, or as an habitual criminal, the court imposing the sentence shall not fix the term of imprisonment, but shall establish a maximum and minimum term for which said convict may be held in said prison. The maximum term shall not be longer than the longest term fixed by law for the punishment of the offence of which he is convicted, and the minimum term shall not be less than two and one half years.

Permit to be at
liberty may
issue in certain
cases.

SECTION 2. At any time after the expiration of the minimum term for which a convict may be held in the said prison under a sentence imposed as aforesaid, the commissioners of prisons may issue to him a permit to be at liberty therefrom, upon such terms and conditions as they shall deem best, and they may revoke said permit at any time previous to the expiration of the maximum term for which he may be held under said sentence. No such permit shall be issued without the approval of the governor and council, nor unless said commissioners shall be of the opinion that the person to whom it is issued will lead an orderly life if set at liberty. The violation by the holder of a permit issued as aforesaid of any of the terms or conditions thereof, or the violation of any law of this Commonwealth, shall of itself make void such permit.

Order of arrest
of holder of
permit may
issue in certain
cases.

SECTION 3. When any permit issued as aforesaid has been revoked, or has become void, said commissioners may issue an order authorizing the arrest of the holder of said permit and his return to said state prison. The

holder of said permit, when returned to said prison, shall be detained therein according to the terms of his original sentence ; and in computing the period of his confinement, the time between his release upon said permit and his return to the prison shall not be taken to be any part of the term of the sentence.

SECTION 4. This act shall take effect upon the first day of January in the year eighteen hundred and ninety-six.

To take effect
January 1, 1896.

Approved June 5, 1895.

AN ACT TO AUTHORIZE THE WORCESTER CONSOLIDATED STREET RAILWAY COMPANY TO LEASE THE PROPERTY OF THE NORTH END STREET RAILWAY COMPANY.

Chap.505

Be it enacted, etc., as follows :

SECTION 1. The Worcester Consolidated Street Railway Company is hereby authorized to lease the railway, franchises and other property of the North End Street Railway Company of Worcester for a term not exceeding ninety-nine years from the date of said lease. And the North End Street Railway Company is hereby authorized to make such a lease. Said lease to be upon such terms and conditions as the directors and stockholders of the respective corporations agree upon and subject to the approval of the board of railroad commissioners according to the provisions of chapter five hundred and six of the acts of the year eighteen hundred and ninety-four.

May lease
franchises, etc.,
of North End
Street Railway
Company.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT RELATIVE TO BOARDS OF HEALTH IN TOWNS.

Chap.506

Be it enacted, etc., as follows :

SECTION 1. The persons chosen by ballot and declared elected as members of the board of health of any town at its annual, or any special, town meeting held in the present year, prior to the passage of this act, shall constitute the legal board of health of said town ; and each member of said board shall notwithstanding any informality or defect in the form of the ballot, the method of taking the vote, the warrant for or the notification for the meeting, or the proceedings of the meeting at which such board was elected, hold his office for the term for which he was declared elected. No such informality or defect shall

Persons
declared elected
to constitute the
legal boards of
health of towns.

affect the validity of any of the acts, proceedings or regulations of such board.

Election, terms,
etc.

SECTION 2. Every town in the Commonwealth may elect a board of health by ballot at the annual meeting of the town, or at a meeting legally warned for the purpose, consisting of three persons, to serve, one for the term of three years, one for the term of two years and one for the term of one year, beginning with the day following such town meeting or until their respective successors are chosen and qualified; and thereafter such town shall, at its annual town meeting, choose in the same manner one person who shall hold office for three years from the day following such town meeting or until another is chosen and qualified in his stead. If no such board is chosen the selectmen shall constitute such board of health.

If no board is
chosen select-
men to act.

1894, 218, § 3,
provisions of
relative to
physician not
to apply to
certain towns.

SECTION 3. So much of section three of chapter two hundred and eighteen of the acts of the year eighteen hundred and ninety-four as provides that one member of the board of health shall be a physician, shall not apply to towns in which the selectmen constitute the board of health.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 507. AN ACT RELATIVE TO THE HOLDING OF CAUCUSES IN CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Certain terms
defined.

SECTION 1. Terms used in this act relating to caucuses shall have application as hereinafter set forth, unless other meaning is clearly apparent from the language or context, or from manifest intent.

The term "political party", shall apply to a political party which at the preceding annual state election polled for governor at least three per cent. of the entire vote cast in the state for that office.

The term "nomination papers", shall apply only to those used in connection with caucuses, as herein provided.

The term "caucus officers", shall apply to wardens, clerks and inspectors, and when on duty to additional

officers specially elected, or elected to fill a vacancy and taking part in the conduct of caucuses.

The term “elective office”, shall apply to candidates for any office to be voted for at a state or municipal election.

SECTION 2. All caucuses of a political party in the city of Boston and in any city or town wherein a political party, prior to the passage of this act, accepted the provisions of chapter five hundred and four of the acts of the year eighteen hundred and ninety-four, for the choice of candidates to be voted for at a state election, for the choice of delegates to a political convention to nominate candidates to be voted for at a state election, for the choice of caucus officers, and for the choice of a political committee, shall be called and held as herein provided.

Calling, etc., of caucuses in city of Boston and certain cities and towns.

All caucuses held under the provisions of this act, except those that relate to a municipal or special election, shall be held at the call of the state committee of the political party whose caucuses are to be held, and the chairman and secretary of said state committee shall, at least twenty-one days before the date on which the caucuses are to be held, forward a copy of the call to the chairman and secretary of each city and town committee of the party.

Certain caucuses to be held at call of state committee.

SECTION 3. All caucuses of a political party in said cities and towns for the choice of candidates to be voted for at a city or town election, and for the choice of delegates to a convention to nominate candidates to be voted for at a city or town election, shall be held on the same day in each city and town, except such caucuses as relate to a special election: *provided, however*, that in said cities or towns caucuses for the choice of delegates to a convention to nominate candidates to be voted for by the city or town at large may be held upon a different day from the other caucuses above-mentioned. All caucuses for the choice of a ward committee shall be held on the same day, which may be the same as the day for holding caucuses for the choice of candidates to be voted for at a city election. The city or town committee shall determine the days upon which all the caucuses mentioned in this section shall be held, and all calls for the same shall be issued by the chairman and secretary of the city or town committee.

Certain caucuses relating to city or town elections to be held on same day.

Proviso.

City or town committee to determine days.

Party first filing
copy of call
entitled to
precedence.

No two political parties shall hold their caucuses on the same day. The party first filing with the city or town clerk a copy of the call for a caucus shall be entitled to precedence on the day named.

Eighteen days' notice to be given, etc.

SECTION 4. Notices of caucuses in said cities or towns, whether held at the call of the state committee or at the call of the city or town committee, shall be issued not less than eighteen days prior to the day on which the caucuses are to be held. They shall state the day when the several caucuses shall be held and the place at which nomination papers, as hereinafter provided, shall be filed, and the day and hour prior to which said nomination papers shall be filed.

Seven days' notice to be given by city and town committees.

SECTION 5. At least seven days prior to the day named for a caucus, as hereinbefore provided, the city or town committee shall issue a notice that such caucus will be held, stating the place, the day and the hour of holding the same. The hour shall not be earlier than two o'clock in the afternoon, nor later than half past seven o'clock in the evening, as the city or town committee shall determine.

Polling places, etc., to be provided.

At least two weeks prior to the date on which a caucus is to be held the chairman or secretary of the city or town committee shall notify the board of aldermen in a city or the selectmen in a town of such date, and the said aldermen or selectmen shall, at least ten days prior to the date on which the caucus is to be held, notify the city or town committee of the places selected for holding the caucuses; and said aldermen or selectmen shall, at the expense of the city or town, provide polling places, and in case of a city, not less than one for each ward, and shall prepare the same with booths, registering ballot boxes, guard rails and the like, in the same manner in which they are arranged for state elections.

Notices to be published.

All notices for caucuses in such cities or towns and all notices relative to the filing of nomination papers shall be published not less than twice in one or more local newspapers if there are any such newspapers in such cities or towns.

Blank nomination papers to be provided, etc.

SECTION 6. It shall be the duty of the city or town to provide, and of the city or town clerk seasonably to prepare, for each political party, as herein provided, blank nomination papers for use in the different wards of the city or in the town, stating the place where, and the

day and hour prior to which, signed nomination papers must be filed. On the back of such papers shall be printed sections seven to fourteen inclusive of this act. Such papers shall, by the city or town clerk, be delivered to the chairman or secretary of the political committee for whose use they have been prepared, and to such chairman or secretary only.

SECTION 7. Nominations by members of a political party of candidates for elective offices, for delegates to a convention, for caucus officers, and for a ward or town committee to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided.

Nominations to be made by nomination papers.

Such papers shall contain the signatures of not less than five legal voters of the ward or town in which the caucus is to be held.

Signatures.

Said voters shall be members of the political party whose caucus is to be held.

To be members of party.

Every voter signing a nomination paper shall sign the same in person, and shall add to his signature the street and number, if any, of his residence.

To sign in person, etc.

Nomination papers placing candidates in nomination shall not contain a larger number of names of candidates than there are persons to be elected. They may contain a less number.

Number of names limited.

SECTION 8. In addition to the name of the candidate for an elective office there shall be given the street and number, if any, of his residence, and there may be given his business or occupation, the public offices he has held, or any other information whereby his identity may be established, and his qualifications for the office to be filled, or his position on any public measure, indicated. Any statement of this nature shall be embodied in not exceeding eight words.

Certain information may be given concerning candidates for elective offices.

Against the name of a candidate for caucus officer or for ward or town committee shall be given the street and number, if any, of his residence.

Candidates for caucus officers, etc.

In connection with names of persons proposed as delegates to a convention, any such statement may be made as that the persons named are favorable to, or are pledged to support, or to oppose, any person or persons for an office or offices to be filled, or are favorable to, or opposed to, any public measure, or are uncommitted; such statements shall be embodied in not exceeding eight words.

Delegates to convention.

Time of filing
to be endorsed
on papers.

SECTION 9. The chairman or secretary of the city or town committee shall endorse upon the nomination papers the time at which they are filed with him.

To be sealed
and filed ten
days before
caucus.

All nomination papers shall be sealed up and filed in the office of the secretary of the city or town committee not less than ten days previous to the day on which the caucus is to be held for which the nominations are made. They shall not be opened until the time fixed for their announcement.

Opening of
nomination
papers.

SECTION 10. At the expiration of the time named at which nomination papers are to be filed, the secretary of the city or town committee at his office shall cause such papers to be publicly opened, and the nominations therein made to be publicly announced.

Correction of
errors, etc.

SECTION 11. In case of any error, irregularity or informality in a nomination paper which has been duly filed with the secretary of the city or town committee, he may make or cause to be made any changes necessary to bring it within the requirements hereinbefore mentioned. In default of such action he shall immediately notify the person filing the nomination paper, of such error, irregularity or informality, and the said voter may, within two week days of the time at which public announcement was made of the contents of nomination papers, make or cause to be made the change necessary to correct such error, irregularity or informality.

Proceedings in
cities when no
papers are filed.

SECTION 12. In a city, in case of the non-receipt, as herein specified, of nomination papers placing persons in nomination for all the positions to be filled at the ensuing caucus, in accordance with the provisions hereinbefore given, the secretary of the city committee shall forthwith notify the chairman or secretary of the committee of any ward from which the requisite papers have not been filed. They or one of them shall forthwith call a meeting of the said committee, who may nominate candidates for any and all offices for which nomination papers have not been filed, and in case they make a nomination they shall immediately thereafter notify the secretary of the city committee of such action by filing with him nomination papers similar to those hereinbefore described, signed in their official capacity, by all the members of the committee who assent to the nominations therein made. In case of disagreement two sets of such nomination papers may be filed. Said paper shall have the same force and authority as those containing the

Ward commit-
tee may
nominate.

Two papers
may be filed in
case of disagree-
ment, etc.

signatures of five voters of the ward, and shall be considered and treated the same in all respects. If at the expiration of two week days after the time at which nomination papers were opened proper nomination papers have not been filed for all the positions to be filled, or in case of any vacancy caused by death or otherwise, except withdrawals, the chairman and secretary of the city committee as a committee may exercise the nominating powers herein vested in a ward committee, and nomination papers filed by them shall have the same force and authority as other nomination papers.

SECTION 13. In a town, in case of the non-receipt, as herein specified of nomination papers placing persons in nomination for all the positions to be filled at the ensuing caucus, in accordance with the provisions hereinbefore given, or in case of a vacancy caused by death or otherwise, except a withdrawal, the chairman or secretary of the town committee shall forthwith call a meeting of the said committee, who shall have all the powers relative to the nomination of candidates hereinbefore conferred upon a ward committee, a city committee, and the chairman and secretary of a city committee.

Proceedings in towns when no papers are filed, etc.

SECTION 14. If any person whose name has been presented on a nomination paper shall, within two week days of the published announcement thereof, file with the secretary of the city or town committee a written request for the withdrawal of his name, such request shall be complied with and the secretary of the city or town committee shall immediately notify the person filing the nomination paper of such withdrawal and the provisions of this section relating thereto; and the said person may, within twenty-four hours after the time at which said notice was sent from the secretary's office, present a new name on a paper signed by himself. Said new paper shall have the same force and authority as that originally presented. In case of the non-receipt of a new paper, as herein specified, the chairman and secretary of the city or town committee may fill the vacancy.

Vacancy caused by withdrawal, how filled.

SECTION 15. Not less than seven week days prior to the day upon which the caucuses are to be held the secretary of each city or town committee shall place in the hands of the city or town clerk the nomination papers filed with him in accordance with the provisions of this act.

Papers to be filed with city or town clerk.

Last day and
hour for filing.

All nomination papers which are by this act required to be filed with the city or town clerk shall be filed in the office of the city or town clerk before five o'clock in the afternoon of the last day fixed by this act for the filing thereof.

Cities and
towns to pro-
vide ballots.

SECTION 16. The city or town shall provide and the city or town clerk of such city or town shall prepare ballots to be used in caucuses, and such ballots shall be in accordance with the provisions of this act.

No others to be
received or
counted.

No other ballots shall be received or counted in a caucus in said city or town held under the provisions of this act.

Form of
ballot.

At the top of each ballot shall be printed the words "The official ballot of (here shall follow the party name of the committee)." On the back and outside, when folded, of each ballot shall be printed the words "Official ballot of the (here shall be inserted the party name) city [or town] committee", followed by the number of the ward or the name of the town for which the ballot is prepared, the date of the caucus and a facsimile of the signature of the secretary of the party which has caused the ballot to be prepared. The chairman and secretary of the city or town committee may determine the number of ballots to be furnished each ward or town, not to exceed one for each registered voter in said ward or town. In case of their failure to do so, the city or town clerk shall determine the number.

Number of
ballots, how
determined.

Names on
ballot, how
arranged.

SECTION 17. Names of candidates for all elective offices shall be arranged alphabetically according to their surnames.

May be grouped
in order of
filing, etc.

Names of candidates for caucus officers, for ward or town committees and for delegates to conventions may be arranged in groups in the order in which they are filed, but shall be arranged alphabetically according to their surnames whenever written request therefor is made to the secretary of the city or town committee by any ward or town committee, or whenever the city or town committee shall vote so to do.

Street and
number of
residence to be
printed.

Against the name of a candidate for a caucus officer for an elective office or a ward or town committee shall be printed the street and number, if any, of his residence.

Certain state-
ment to be
printed.

Against the name of a candidate for an elective office or a political convention shall be printed the statement which is contained in the nomination paper placing the candidate in nomination.

SECTION 18. No names shall be printed on a ballot other than those which have been duly presented on nomination papers.

Names to be printed on ballot.

Immediately following the names of candidates blank spaces for the insertion in writing of other names equal to the number of persons to be chosen shall be provided.

Blank spaces to be provided.

Upon the ballot shall be stated the number of persons to be voted for for the different positions to be filled.

Ballot to state number to be voted for.

A star (*) against a name shall indicate that a person is a candidate for re-election.

A star to indicate a candidate for re-election.

A cross (X) marked against a name shall constitute a vote for the person so designated; but if a voter marks a cross against more names than there are persons to be elected to an office, his vote for that office shall not be counted. The form of ballots and the arrangement of printed matter thereon shall be in general that observed in ballots provided by the state at elections, except as herein otherwise provided.

A cross constitutes a vote, etc.

SECTION 19. The city or town clerk of the city or town shall on the day on which a caucus is to be held, before the opening of the polls, deliver at the polling place to the warden if present, or if not present then to the clerk, if both warden and clerk are absent then to any inspector who may be present, the sample ballots, together with the ballots hereinbefore provided for and the voting lists required by law to be used in caucuses. The city or town clerk shall also prepare at the expense of the city or town and deliver at the time and place aforesaid suitable blank forms and apparatus for canvassing and counting the ballots and making the returns required by this act, a seal of suitable device for each polling place, and a record book.

Delivery of ballots, etc., at polling places.

It shall be the duty of the presiding officer at each polling place, at or prior to the hour of opening the caucus, to cause to be conspicuously posted or placed in such polling place not less than six facsimile copies of the ballots to be used in the caucuses, such copies to be printed on tinted paper. They shall be kept so posted or placed during the whole time that balloting is in progress.

Facsimile copies of ballots to be posted, etc.

SECTION 20. The order of business in caucuses shall be as follows:—

Order of business.

(1) Any necessary preliminary business that may properly come before the meeting shall first be transacted.

(2) Thereafter balloting shall be allowed to proceed uninterruptedly until half past eight o'clock in the even-

ing, when the polls shall be closed unless the caucus shall vote to keep them open until a later hour.

(3) At the conclusion of the balloting, any other business properly before the caucus shall be in order.

Challenging of
votes, etc.

SECTION 21. If at any caucus held under the provisions of this act the right of a person offering to vote is challenged for any cause recognized by law, the presiding officer shall require the name and residence of the person so offering to vote to be written by himself, or by some one in his behalf, on the outside of the ballot so offered, and the presiding officer shall add thereto the name of the person so challenging and the assigned cause for which the challenge is made, before such ballot is received; but nothing in this section shall be construed as permitting officers in the caucus to receive any ballot which by law they are required to refuse.

Not to give
information.

No officer, otherwise than as above-required or permitted, and no person other than an officer of the caucus, shall make any statement or give any information in regard to a ballot cast by a voter so challenged at any such caucus, except as required by law.

Counting of
ballots, etc.

SECTION 22. Immediately after the polls are declared closed, but not before, the ballots shall be counted in full view of the voters. When the total result and counting of ballots has been ascertained the presiding officer shall make public announcement thereof in open meeting, and shall, in open meeting, cause the clerk of the caucus to enter in words at length in the record book, provided for his use by the city or town clerk, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes received for each person, and the title of the delegation or office for which he was proposed. Each clerk of a caucus shall forthwith make a copy of the record so made by him, certify and seal the same, and transmit the same with the record book to the city or town clerk, as hereinafter provided. The clerk shall then, in the presence of those who are responsible for the count and before the adjournment of the caucus, seal up all ballots which have been cast, together with the check lists used in the caucus and a statement regarding any challenge which has been made.

Clerk to make
copy of record,
seal up ballots,
etc.

Package to be en-
dorsed and trans-
mitted to city or
town clerk, etc.

The warden and clerk of the caucus shall endorse upon such package the name of the political party holding the

caucus, for what delegations and candidatures and in what ward the ballots were cast, and the date of the caucus. The warden shall forthwith transmit to the city or town clerk, by the police officer or by some other legal officer stationed by said clerk in attendance at the caucus, all the ballots cast and the voting lists, the copy of the records, sealed as aforesaid, together with the record book of the clerk. The city or town clerk shall safely keep such sealed packages for not less than three months, and shall produce the same if called for by any court, justice, tribunal or convention having jurisdiction of the same.

SECTION 23. If, within the twenty-four hours next succeeding the day of any caucus held under the provisions of this act, ten or more qualified voters of any ward or town shall file with the city or town clerk a statement that they have reason to believe that the records and returns made by the caucus officers of such ward or town are erroneous, and shall specify wherein they deem them in error, in the city of Boston the city clerk shall forthwith transmit such statement to the ballot law commission having jurisdiction in the premises, and in other cities and towns to the registrars of voters, together with the sealed package or packages containing all the ballots cast and voting lists used at such caucus, and said ballot law commission or registrars of voters, as the case may be, shall within two days next succeeding the day of such caucus open said package or packages and recount said ballots and determine the questions raised, and such recount shall stand as the true result of the vote cast in such caucus. And each candidate interested may appear and be present during such recount, either in person or by an agent appointed by him in writing.

Recount of
ballots, etc.

SECTION 24. In any city or town after the passage of this act the city or town committee of any political party shall, at the written request of fifty voters, members of said party, call a caucus or caucuses of said party for the purpose of voting upon the question whether the provisions of this act shall be adopted by said political party in said city or town. The notice of said caucus or caucuses shall state the day, the place and the hour, not earlier than six o'clock in the evening and not later than half past seven o'clock in the evening, of holding said caucus or caucuses, and shall be issued at least seven days prior to

Calling of
caucuses for
purpose of
voting on ques-
tion of adoption.

the day named for said caucus or caucuses, and shall be published not less than twice in one or more local newspapers, if there are any such newspapers in such cities or towns, and shall be posted in at least five public places in each ward or town. The sense of said caucus or caucuses shall be taken by ballot and the polls shall be kept open at least one hour. If said political party shall by a majority of the votes cast at said caucus or caucuses vote to adopt the provisions of this act, nomination papers, ballots and other apparatus required for caucuses so held shall be provided for said party at the expense of the city or town, and all caucuses of said political party in said city or town shall thereafter be conducted according to the provisions of this act.

Ballot to be taken.

Acceptance may be revoked, etc.

Notices of action to be filed.

Caucus officers, election, term, etc.

SECTION 25. A political party of a city or town which has so accepted the provisions of this act may however at any other caucus or caucuses called for the purpose, upon notices given as aforesaid, held not less than one year after the date of the caucus or caucuses whereat said acceptance is voted, revoke such action by the affirmative vote of a majority of the voters entitled to vote in such caucus or caucuses present and voting by ballot thereon. The polls at said caucus or caucuses shall be kept open at least one hour. Whenever a political party in a city or town shall vote to accept the provisions of this act or to revoke such acceptance the secretary of the city or town committee of such political party shall, within ten days of such action, file with the secretary of the Commonwealth and with the clerk of the city or town and the secretary of the state committee of the political party so voting a notice of such action.

SECTION 26. In such city or town in each year at the caucus held in a ward or town for the choice of delegates to the state convention there shall be chosen one warden, one clerk and at least five inspectors, and such additional inspectors in wards having more than five precincts as the city committee of the political party whose caucuses are to be held may each year determine. They shall be qualified voters of the ward or town in which they are elected and members of the political party whose caucus is to be held. Every caucus officer so elected shall hold office for the term of one year, beginning with the first day of October succeeding his election and until his successor is elected.

SECTION 27. The respective duties of caucus officers shall be in general the same as those required of election officers at elections, as provided in chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and all acts in amendment thereof. They shall, for the performance of their respective duties, attend in their respective wards or towns at the times and places duly designated for caucuses.

Duties.

SECTION 28. If at any caucus a majority of the caucus officers shall so vote, additional officers, to serve in that caucus only, may be elected by a majority vote of the caucus officers present and voting thereat, and in case of the absence of any caucus officer the vacancy thus occurring shall be filled in the same manner.

Additional officers.

In case of a vacancy in the number of caucus officers by death, declination of election, resignation, removal from the city or town, or otherwise, the vacancy shall be filled by a majority vote of all the remaining caucus officers. A removal from the ward or town during the year for which an officer was elected shall not disqualify him from serving in the caucus of the ward or town wherein he was elected.

Vacancy to be filled by remaining officers, etc.

No person shall be eligible to the position of warden or clerk who is a member of a ward or town committee, and no person shall serve as a caucus officer at any caucus wherein he is a candidate for an elective office or for a nomination to an elective office, or candidate for ward or town committee.

Certain persons not eligible.

SECTION 29. A city or town committee of a political party which shall adopt the provisions of this act shall, not less than ten days prior to holding any caucus under its provisions, appoint such caucus officers as are hereinbefore provided for in each ward or town to serve at the first caucus to be held after the adoption of this act.

Appointment of officers to serve at first caucus.

SECTION 30. In the case of a newly incorporated city, or in the case of a re-division of a city into wards, where a political party has adopted the provisions of this act, at the first caucus held in the next succeeding year, the caucus officers to serve in such caucuses shall be appointed by the city committee, and at the aforesaid caucuses the regular caucus officers shall be chosen, as hereinbefore provided.

In a newly incorporated city or a re-division into wards.

SECTION 31. All caucuses held under the provisions of this act, except as is herein otherwise provided, shall be held in general accordance with the provisions relative

1893, 417, etc., to apply.

to the conduct of elections and the manner of voting at elections contained in chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof.

Penalties.

SECTION 32. The penalties imposed by law upon officers and voters who violate the provisions of acts regulating state elections are hereby imposed upon officers and voters who violate the provisions of this act. The supreme judicial court and the superior court shall have full power at law or in equity to enforce the provisions of this act.

Repeal.

SECTION 33. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved June 5, 1895.

Chap. 508

AN ACT RELATIVE TO REPLACING DEFECTIVE BALLOT BOXES.

Be it enacted, etc., as follows:

Defective ballot boxes may be replaced.

SECTION 1. Whenever a state ballot box becomes defective, the secretary of the Commonwealth shall, upon application by the clerk of the city or town in which such box is used, furnish another ballot box in the place of such defective box, at the expense of such city or town.

Examination of ballot boxes.

SECTION 2. An examination of ballot boxes of different patterns shall be made by the secretary of the Commonwealth, the treasurer and receiver general and the state auditor, as soon after the passage of this act as may be, under such conditions and after such public notice as they shall determine, and they shall certify their approval of such ballot boxes as shall fully comply with the requirements of section one hundred and twenty-three of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three, and no other ballot box shall hereafter be provided by the secretary of the Commonwealth to replace defective ballot boxes under the provisions of this act.

Persons of whom boxes are purchased to give bond.

SECTION 3. Whenever state ballot boxes are purchased and approved, the persons of whom such ballot boxes are purchased shall give to the secretary of the Commonwealth a bond, with good and sufficient sureties, to keep such boxes in good working order for two years, at their own expense.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1895.

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS MAKING *Chap. 509*
 APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR
 AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appro- Appropriations.
 priated, to be paid out of the treasury of the Common-
 wealth from the ordinary revenue, for purposes specified
 in certain acts and resolves of the present year, and for
 certain other expenses authorized by law, to wit:—

For the salaries and expenses of the three additional District police,
 members to the inspection department of the district police, inspection
 as authorized by section eight of chapter four hundred and department.
 eighteen of the acts of the present year, a sum not exceed-
 ing thirty-five hundred dollars.

For the salaries of assistant district attorneys, as author- Assistant dis-
 ized by chapter four hundred and twenty-four of the acts trict attorneys.
 of the present year, which provides that the salaries of
 assistant district attorneys shall be paid out of the treasury
 of the Commonwealth, a sum not exceeding four thousand
 dollars.

For the publication of a new edition of contested elec- Contested
 tion cases, as authorized by chapter thirty-six of the re- election cases.
 solves of the year eighteen hundred and eighty-six, a sum
 not exceeding two hundred dollars.

For the salary and expenses of such agents as the trus- Lyman and
 tees of the Lyman and industrial schools may appoint, as industrial
 authorized by chapter four hundred and twenty-eight of schools, agents.
 the acts of the present year, a sum not exceeding twenty-
 five hundred dollars.

For salaries and expenses in the department of the Department of
 indoor poor, a sum not exceeding two thousand dollars, indoor poor.
 the same to be in addition to the forty-five thousand dol-
 lars provided by chapter fifty-two of the acts of the present
 year.

For the care and maintenance of indigent and neglected Indigent and
 children and juvenile offenders, a sum not exceeding five neglected
 thousand dollars, the same to be in addition to the sixty children, etc.
 thousand dollars appropriated by chapter fifty-two of the
 acts of the present year.

For the temporary aid of state paupers and shipwrecked State paupers
 seamen by cities and towns for the present and previous and ship-
 years, a sum not exceeding ten thousand dollars, the same wrecked sea-
 to be in addition to the thirty thousand dollars appro- men.

appropriated by chapter fifty-two of the acts of the present year.

Clerical assistance.

For clerical assistance in the office of the commissioners of prisons, as authorized by chapter four hundred and thirty-one of the acts of the present year, a sum not exceeding three hundred dollars, the same to be in addition to the twenty-five hundred dollars appropriated by chapter fifty of the acts of the present year.

Boundary line between Massachusetts and New Hampshire.

For expenses in connection with the settlement of the boundary line between the Commonwealth of Massachusetts and the state of New Hampshire, as authorized by chapter one hundred and six of the resolves of the present year, a sum not exceeding five thousand dollars.

William S. Shurtleff.

For William S. Shurtleff, as authorized by chapter one hundred and eleven of the resolves of the present year, the sum of one hundred dollars.

Sewage disposal, etc., in Salem and Peabody.

For expenses in connection with the sewage disposal and drainage in Salem and Peabody, to be expended under the direction of the state board of health, as authorized by chapter one hundred and twelve of the resolves of the present year, a sum not exceeding three thousand dollars.

Normal school at Lowell.

For the construction of the new state normal school in the city of Lowell, as authorized by chapter four hundred and fifty-four of the acts of the present year, a sum not exceeding twenty-five thousand dollars, the same to be in addition to any amount heretofore authorized to be expended for that purpose.

Clerical assistance.

For clerical assistance for the register of probate and insolvency for the county of Middlesex, as authorized by chapter four hundred and fifty-nine of the acts of the present year, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Clerical assistance, etc.

For the compensation and expenses of the clerk and for clerical assistance in the office of the gas and electric light commissioners, as authorized by chapter four hundred and sixty-three of the acts of the present year, a sum not exceeding five hundred dollars, the same to be in addition to the twenty-five hundred dollars appropriated by chapter fifty of the acts of the present year.

Gas and electric light commissioners.

For travelling and incidental expenses of the gas and electric light commissioners, as authorized by chapter four hundred and sixty-three of the acts of the present year, a

sum not exceeding one thousand dollars, the same to be in addition to the two thousand dollars appropriated by chapter thirteen of the acts of the present year.

For such additional clerical assistance as the adjutant general may deem necessary and for compensation of employees at the state arsenal, as authorized by chapter four hundred and sixty-five of the acts of the present year, a sum not exceeding three hundred dollars, the same to be in addition to the six thousand dollars appropriated by chapter fifty of the acts of the present year.

Additional clerical assistance.

For expenses in connection with the dedication of the national military park on the battlefields of Chickamauga and Chattanooga, as authorized by chapter one hundred and fourteen of the resolves of the present year, a sum not exceeding ten thousand dollars.

Dedication of national military park.

For James N. Tolman, as authorized by chapter one hundred and fifteen of the resolves of the present year, the sum of eleven hundred dollars.

James N. Tolman.

For the widow of Henry Y. Simpson, as authorized by chapter one hundred and seventeen of the resolves of the present year, the sum of eight hundred and forty dollars.

Widow of Henry Y. Simpson.

For the widow of Joseph L. Shipley, as authorized by chapter one hundred and seventeen of the resolves of the present year, the sum of nine hundred and fifty dollars.

Widow of Joseph L. Shipley.

For expenses of the board of Old Colony commissioners, as authorized by chapter four hundred and seventy-two of the acts of the present year, a sum not exceeding five hundred dollars.

Old Colony commissioners.

For the establishment of textile schools, as provided for by chapter four hundred and seventy-five of the acts of the present year, a sum not exceeding one hundred thousand dollars.

Textile schools.

For furnishing the armory now in process of erection in the city of Springfield, as authorized by chapter one hundred and eighteen of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Armory at Springfield.

For compensation of inspectors of animals and provisions, as provided for by chapter four hundred and seventy-six of the acts of the present year, a sum not exceeding ten thousand dollars.

Inspectors of animals and provisions.

For the daughter of the late Frank S. Bennett, as authorized by chapter one hundred and nineteen of the resolves of the present year, the sum of eight hundred and twenty dollars.

Daughter of Frank S. Bennett.

- Widow of Gilbert Cooke. For the widow of Gilbert Cooke, as authorized by chapter one hundred and twenty of the resolves of the present year, the sum of seven hundred and fifty dollars.
- Indexing of war records, etc. For completing the index of the war records and preparing a new draft of the record book in the office of the adjutant general, as authorized by chapter one hundred and twenty-one of the resolves of the present year, a sum not exceeding fifteen hundred dollars.
- Martin Wesson. For Martin Wesson, as authorized by chapter one hundred and twenty-two of the resolves of the present year, the sum of two thousand eighty-eight dollars and five cents.
- Inspection of domestic animals. For expenses in connection with the inspection of domestic animals, as authorized by chapter four hundred and ninety-six of the acts of the present year, a sum not exceeding one hundred thousand dollars.
- International exposition at Atlanta, Georgia. For expenses in connection with the participation of the Commonwealth in the cotton states and international exposition, to be held in Atlanta in the state of Georgia, as authorized by chapter one hundred and thirteen of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.
- Certain veterans of town of Stoneham. For certain veterans of the town of Stoneham, as authorized by chapter one hundred and twenty-three of the resolves of the present year, the sum of forty-eight hundred and seventy-five dollars.
- Certain veterans of town of East Bridgewater. For certain veterans of the town of East Bridgewater, as authorized by chapter one hundred and twenty-four of the resolves of the present year, the sum of five hundred dollars.
- Certain veterans of town of Scituate. For certain veterans of the town of Scituate, as authorized by chapter one hundred and twenty-five of the resolves of the present year, the sum of sixty-five hundred seventy-two dollars and sixteen cents.
- Certain veterans of town of North Bridgewater. For certain veterans of the town of North Bridgewater, now the city of Brockton, as authorized by chapter one hundred and twenty-six of the resolves of the present year, the sum of two hundred dollars.
- Fish hatching station at Plymouth, N. H. For expenses in connection with the fish hatching station at Plymouth in the state of New Hampshire, now used and managed by said state and this Commonwealth in common, as authorized by chapter one hundred and twenty-seven of the resolves of the present year, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1895.

RESOLVES.

RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF COMMITTEE HEARINGS. *Chap. 1*

Resolved, That all bills contracted under the order authorizing the joint committee on rules to publish a bulletin of committee hearings and matters before committees shall be paid on approval of the sergeant-at-arms.

Bulletin of committee hearings, etc.

Approved January 30, 1895.

RESOLVE RELATIVE TO PRINTING ADDITIONAL COPIES OF THE REPORT OF THE STATE BOARD OF HEALTH UPON THE SUBJECT OF A METROPOLITAN WATER SUPPLY. *Chap. 2*

Resolved, That there be printed and bound in cloth five thousand additional copies of the report of the state board of health relative to a metropolitan water supply, as authorized by chapter four hundred and fifty-nine of the acts of the year eighteen hundred and ninety-three.

Report on metropolitan water supply.

Approved February 8, 1895.

RESOLVE RELATIVE TO THE PUBLICATION OF THE HISTORICAL ADDRESS DELIVERED IN THE HOUSE OF REPRESENTATIVES BY ALFRED S. ROE OF WORCESTER. *Chap. 3*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to meet the expense of publishing the historical address delivered in the house of representatives by Alfred S. Roe of Worcester, on the second day of January in the present year. Said address shall be printed under the direction of the secretary of the Commonwealth, who shall cause to be inserted in the same volume with said address, portraits of the governor and lieutenant governor of the Commonwealth, also those of the governor and lieutenant governor in the year seventeen hundred and ninety-eight; speakers Edward H. Robbins, Robert C. Winthrop, Nathaniel P. Banks and George v. L. Meyer;

Historical address by Alfred S. Roe.

Distribution.

clerks Henry Warren, Luther S. Cushing, William S. Robinson and Edward A. McLaughlin; messenger Jacob Kuhn; sergeants-at-arms Benjamin Stevens, John Morrissey, Oreb F. Mitchell and John G. B. Adams; commissioners Charles Bulfinch and Thomas Dawes, under whose direction, with speaker Robbins, the old structure was erected; also two views of the old representatives' chamber and two views of the present representatives' chamber; also a list of the names of the members of the executive council and its clerk, and of the senate and house of representatives and their respective clerks for the year eighteen hundred and ninety-five. There shall be printed a sufficient number of copies thereof to be distributed as follows:—To the governor, lieutenant governor, members of the executive council, the secretary, treasurer, auditor, and attorney-general of the Commonwealth, and the secretaries and messengers of the executive department, each one copy. To each member and officer of the general court for the year eighteen hundred and ninety-five, twelve copies. To each messenger and page of the general court, one copy. To each reporter regularly assigned a seat in the reporters' gallery, one copy. To the author of the address, twenty copies. To each senator and representative from the Commonwealth in the congress of the United States, one copy. To the state library, twenty copies. To each free public library in the Commonwealth, one copy. To each city and town of the Commonwealth in which there is no free public library, one copy. To such historical societies in the Commonwealth as may be designated by the secretary of the Commonwealth, each one copy. To each state and territory in the United States, one copy. To the secretary of the Commonwealth for distribution at his discretion, two hundred copies.

Approved February 8, 1895.

Chap. 4

RESOLVE EXTENDING THE TIME FOR THE REPORT OF THE STATE BOARD OF HEALTH UPON THE SUBJECT OF A METROPOLITAN WATER SUPPLY AND PROVIDING FOR THE CONTINUANCE OF THE INVESTIGATION RELATIVE THERETO.

Time extended,
etc.

Resolved, That the time allowed for the filing of the report of the state board of health, required by chapter four hundred and fifty-nine of the acts of the year eighteen hundred and ninety-three, relative to procuring a water

supply for the city of Boston and its suburbs, is hereby extended until the first Wednesday in February in the present year; and that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand five hundred dollars, to be expended under the direction of the said board in continuing and completing the investigations, plans and report relative thereto, said amount being in addition to the forty thousand dollars provided for in said act, and to be reimbursed to the Commonwealth in the manner therein provided.

Approved February 12, 1895.

RESOLVE TO CONFIRM THE ACTS OF JOHN S. GILE AS A NOTARY PUBLIC.

Chap. 5

Resolved, That all the acts done by John S. Gile as a notary public, between the fourteenth day of July in the year eighteen hundred and ninety-three and the first day of November in the year eighteen hundred and ninety-four, inclusive, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

John S. Gile,
notary public,
acts confirmed.

Approved February 12, 1895.

RESOLVE TO PROVIDE FOR THE PAYMENT OF CERTAIN REPAIRS AT THE STATE PRIMARY SCHOOL AT MONSON.

Chap. 6

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand six hundred and fifteen dollars, to be expended at the state primary school at Monson under the direction of the trustees thereof, for the payment of indebtedness incurred in building a new barn and cow shed at said institution.

Primary school
at Monson.

Approved February 12, 1895.

RESOLVE IN FAVOR OF LEMUEL BURR.

Chap. 7

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Lemuel Burr of Cambridge, the sum of one hundred and fifty dollars, in consideration of his care of his late mother and aunt, who were members of the Ponkapoag tribe of Indians and were formerly beneficiaries of the Commonwealth.

Lemuel Burr.

Approved February 12, 1895.

*Chap. 8*Lavinia D.
Barbour.

RESOLVE IN FAVOR OF LAVINIA D. BARBOUR.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Lavinia D. Barbour, widow of James K. Barbour who was injured while defending property at the Cooper street riot, and who at the time of his decease was in receipt of an annuity from the Commonwealth, an annuity of two hundred dollars, to be paid to said widow during the term of her natural life.

Approved February 12, 1895.

*Chap. 9*Patrick S.
Ward.

RESOLVE IN FAVOR OF PATRICK S. WARD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Patrick S. Ward of Chelmsford the sum of thirty-five dollars, in full compensation for injuries received at the muster at South Framingham in the month of June in the year eighteen hundred and ninety-four and the consequent loss of time and expenses incurred for medical attendance.

Approved February 15, 1895.

*Chap. 10*Treasurer may
borrow money
in anticipation
of revenue.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Resolved, That the treasurer and receiver general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Approved February 16, 1895.

*Chap. 11*Bureau of
statistics of
labor.

RESOLVE AUTHORIZING THE PAYMENT OF ADDITIONAL RENT FOR STORAGE PURPOSES FOR THE BUREAU OF STATISTICS OF LABOR.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifty dollars per annum, in addition to the sum authorized by chapter twenty-five of the resolves of the year eighteen hundred

and ninety-one, for the rental of a room for storage purposes for the bureau of statistics of labor.

Approved February 16, 1895.

RESOLVE PROVIDING FOR THE PURCHASE AND PROPAGATION OF MONGOLIAN PHEASANTS. *Chap. 12*

Resolved, That the commissioners on inland fisheries and game may expend a sum not exceeding four hundred dollars for the purchase and propagation of Mongolian pheasants in this Commonwealth, to be paid from the appropriation for incidental and sundry expenses of said commissioners.

Purchase, etc.,
of Mongolian
pheasants.

Approved February 26, 1895.

RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE COMMISSION ON THE UNEMPLOYED. *Chap. 13*

Resolved, That there be printed one thousand additional copies of the report of the board appointed under authority of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and ninety-four, to consider the subject of the unemployed and measures for their relief, and that said report be electrotyped.

Report of
commission on
unemployed.

Approved February 26, 1895.

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 14*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Soldiers' Home in Massachusetts, the sum of thirty thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors.

Trustees of
Soldiers' Home.

Approved February 26, 1895.

RESOLVE TO CONFIRM THE ACTS OF HENRY A. SMITH AS A JUSTICE OF THE PEACE. *Chap. 15*

Resolved, That all acts done by Henry A. Smith of Boston as a justice of the peace, between the thirteenth day of July and the twentieth day of December in the year eighteen hundred and ninety-four, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Henry A.
Smith, justice of
the peace, acts
confirmed.

Approved February 28, 1895.

- Chap. 16** RESOLVE TO PROVIDE FOR SUPPLYING TO THE MASSACHUSETTS EXHIBITORS AT THE WORLD'S COLUMBIAN EXPOSITION, COPIES OF THE REPORT OF THE BOARD OF MANAGERS.

Report of board of managers, world's Columbian exposition.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two hundred dollars, for the purpose of defraying the expense of supplying to the Massachusetts exhibitors at the world's Columbian exposition, copies of the report of the board of managers; the same to be expended under the direction of the secretary of the Commonwealth.

Approved March 1, 1895.

- Chap. 17** RESOLVE PROVIDING FOR INDEXES TO MASSACHUSETTS ARCHIVES.

Indexes to Massachusetts archives.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve hundred dollars, to be expended under the direction of the secretary of the Commonwealth for preparing an alphabetical index to the fifty volumes of miscellaneous papers added to the Massachusetts archives collection during the year eighteen hundred and ninety-four.

Approved March 7, 1895.

- Chap. 18** RESOLVE PROVIDING FOR INDEXES TO REGISTRATION RETURNS.

Indexes to registration returns.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand eight hundred dollars, to be expended under the direction of the secretary of the Commonwealth for preparing a complete alphabetical index to the returns of births, marriages and deaths for the years eighteen hundred and eighty-one to eighteen hundred and eighty-nine, inclusive.

Approved March 7, 1895.

- Chap. 19** RESOLVE PROVIDING FOR PRINTING COPIES OF A PORTION OF THE REPORT OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

Report relative to proposed dam, etc., in Charles river basin.

Resolved, That there be printed twelve hundred copies of that portion of the report of the harbor and land commissioners for the year eighteen hundred and ninety-four which relates to the proposed construction of a dam and lock in Charles river basin, together with the report of

the evidence and arguments presented on this subject at the hearings before said board given under authority of chapter eighty-five of the resolves of the year eighteen hundred and ninety-four; three hundred copies to be for the use of the legislature, one hundred and fifty copies for the use of the board of harbor and land commissioners, and the balance to be distributed under the direction of the secretary of the Commonwealth.

Approved March 7, 1895.

RESOLVE TO PROVIDE FOR PRINTING EXTRA COPIES OF THE REPORT OF THE MASSACHUSETTS BOARD OF WORLD'S FAIR MANAGERS.

Chap. 20

Resolved, That there be printed two thousand extra copies of the report of the Massachusetts board of world's fair managers for the use of the members of the general court of the present year, each member to receive seven copies; the balance to be divided equally between the president of the senate and the speaker of the house of representatives.

Report of
Massachusetts
board of world's
fair managers.

Approved March 7, 1895.

RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF THE REPORT OF THE COMMISSIONERS ON THE TOPOGRAPHICAL SURVEY OF MASSACHUSETTS.

Chap. 21

Resolved, That there be printed five hundred additional copies of the report of the commissioners on the topographical survey of Massachusetts, for the use of the commissioners.

Report of
commissioners
on topographi-
cal survey.

Approved March 7, 1895.

RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE CATTLE COMMISSIONERS.

Chap. 22

Resolved, That there be printed five thousand additional copies of the annual report of the board of cattle commissioners, to be distributed by the state board of agriculture.

Report of cattle
commissioners.

Approved March 7, 1895.

RESOLVE PROVIDING FOR PRINTING THE SPECIAL REPORT OF THE STATE BOARD OF AGRICULTURE ON THE WORK OF THE EXTIRMINATION OF THE OCNERIA DISPAR OR GYPSY MOTH.

Chap. 23

Resolved, That there be printed for public distribution five thousand copies of the special report of the state board

Gypsy moth.

of agriculture on the work of extermination of the oeneria dispar or gypsy moth.

Approved March 7, 1895.

- Chap. 24** RESOLVE RELATIVE TO PRINTING AND DISTRIBUTING EXTRA COPIES OF THE MANUAL FOR THE GENERAL COURT OF THE YEAR EIGHTEEN HUNDRED AND NINETY-FIVE.

Distribution of manual to high and grammar schools.

Resolved, That there be printed three thousand copies of the manual for the general court of the year eighteen hundred and ninety-five, in addition to the number now authorized by law, the same to be distributed among the high and grammar schools of the Commonwealth by the secretary of the state board of education.

Approved March 7, 1895.

- Chap. 25** RESOLVE TO PROVIDE FOR THE CLASSIFICATION AND ARRANGEMENT OF THE ESTIMATES OF COUNTY TAXES FOR THE CURRENT YEAR.

County estimates of taxes.

Resolved, That the county estimates of taxes for county charges for the current year be transmitted to the controller of county accounts, who shall classify and arrange the same, as far as possible, upon a uniform basis and plan, and return them forthwith to the legislature.

Approved March 7, 1895.

- Chap. 26** RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Massachusetts Charitable Eye and Ear Infirmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary the sum of twenty thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of said infirmary during the present year.

Approved March 7, 1895.

- Chap. 27** RESOLVE IN FAVOR OF MINNIE BIRD.

Minnie Bird.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Westborough insane hospital the sum of two hundred and fifty dollars, for the support of Minnie Bird, an insane inmate of said hospital.

Approved March 7, 1895.

RESOLVE RELATIVE TO THE DISTRIBUTION OF THE EARLY ACTS
AND RESOLVES OF THE GENERAL COURT.

Chap. 28

Resolved, That one copy of each volume of the acts and resolves of the general court from the adoption of the constitution to the year eighteen hundred and six, now being published under the direction of the secretary of the Commonwealth and authorized by chapter one hundred and four of the resolves of the year eighteen hundred and eighty-nine, be furnished to the sheriff of each county, and to the district attorney and each assistant district attorney in each district, and that twenty-five copies be placed at the disposal of the secretary of the Commonwealth for distribution to such public officers as, in his judgment, may require the same in their official duties, in addition to the persons entitled by the provisions of said resolve to receive such volumes.

Distribution of
early acts and
resolves.*Approved March 9, 1895.*RESOLVE EXTENDING THE TIME FOR THE REPORT OF THE METRO-
POLITAN DISTRICT COMMISSION AND PROVIDING FOR THE CON-
TINUANCE OF THE INVESTIGATION RELATIVE THERETO.

Chap. 29

Resolved, That the time allowed for the filing of the report of the metropolitan district commission, required by chapter four hundred and forty-six of the acts of the year eighteen hundred and ninety-four, providing for an investigation of the subject of a general municipal administration for the city of Boston and adjoining municipalities, is hereby extended to the first Wednesday of January in the year eighteen hundred and ninety-six; and said board may expend a sum not exceeding four thousand dollars in addition to the amount authorized by said chapter, subject to the provisions thereof, in continuing and completing the investigation therein provided for; and the term of office of said commission is hereby extended until the first day of May in the year eighteen hundred and ninety-six.

Report on sub-
ject of general
municipal
administration.*Approved March 13, 1895.*RESOLVE TO CONFIRM THE ACTS OF EDWARD DE FEO AS A
NOTARY PUBLIC.

Chap. 30

Resolved, That all acts done by Edward de Feo as a notary public, between the sixth day of October in the

Edward de Feo,
notary public,
acts confirmed.

year eighteen hundred and ninety-two and the first day of February in the year eighteen hundred and ninety-five, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved March 13, 1895.

Chap. 31 RESOLVE TO PROVIDE FOR THE PRESERVATION OF THE BULFINCH STATE HOUSE ON BEACON HILL.

Preservation of
Bulfinch state
house.

Resolved, That there be appointed by the governor, with the advice and consent of the council, within thirty days after the passage of this resolve, three disinterested persons, one of whom shall be an experienced builder, another an experienced engineer, and the third an experienced architect, who shall be known as the commissioners for the preservation of the Bulfinch state house on Beacon hill. Said commissioners shall make a thorough examination as to the present condition of the Bulfinch building and report the results of their examination, with their recommendations, to the general court within thirty days after the passage of this resolve. Said commissioners may incur such expense in making such examination and shall receive such compensation as the governor and council may determine.

Approved March 14, 1895.

Chap. 32 RESOLVE IN FAVOR OF THE TOWN OF EAST BRIDGEWATER.

Town of East
Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirty-nine dollars and sixty cents to the town of East Bridgewater, to reimburse said town for the payment made by said town, in error of account, to the Commonwealth, for the support of Nathaniel S. Bouldey at the state farm in the year eighteen hundred and ninety-four.

Approved March 16, 1895.

Chap. 33 RESOLVE RELATIVE TO CERTAIN COPIES OF THE EARLY ACTS AND RESOLVES OF THE GENERAL COURT.

Early acts and
resolves.

Resolved, That the secretary of the Commonwealth shall cause to be attached to the inside of the cover of each copy of the early acts and resolves of the general court deliv-

ered by him to any public officer named in chapter one hundred and four of the resolves of the year eighteen hundred and eighty-nine, except the copies delivered to the justices of the supreme judicial and superior courts, a paper stating that such copy is for the use of his office, and is to be transmitted by the present incumbent at the expiration of his term of office to his successor in such office.

Approved March 19, 1895.

RESOLVE PROVIDING FOR INCREASING THE WATER SUPPLY AND FOR CERTAIN REPAIRS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Chap. 34

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand six hundred dollars, to be expended at the state industrial school for girls, at Lancaster, under the direction of the trustees thereof, for the following purposes, to wit: — For grading and concreting walks and cellar, erecting standpipes and for painting, a sum not exceeding one thousand two hundred and seventy-five dollars; for building ice house and water shed, a sum not exceeding one thousand six hundred dollars; for furnishing and providing heating apparatus for the new family cottage, a sum not exceeding two thousand two hundred and twenty-five dollars; for increasing the water supply, a sum not exceeding seven thousand five hundred dollars.

Industrial
school for girls.

Approved March 22, 1895.

RESOLVE RELATIVE TO THE STATUE OF THE LATE CHARLES DEVENS.

Chap. 35

Resolved, That upon the completion of the statue of the late Charles Devens, provided for by chapter eighty-one of the resolves of the year eighteen hundred and ninety-one, the governor and council may cause said statue to be placed temporarily in the Museum of Fine Arts in the city of Boston, with the consent of the trustees of said institution; and the governor and council are further authorized, when the improvements in progress upon the extended grounds of the state house have been completed, to permanently place said statue upon such appropriate site within said grounds as they may select.

Statue of late
Charles Devens.

Approved March 22, 1895.

Chap. 36 RESOLVE TO PROVIDE A NEW DORMITORY AND OTHER IMPROVEMENTS FOR THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Normal school
at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-nine thousand dollars, for the following purposes in connection with the state normal school at Bridgewater:— A sum not exceeding forty-six thousand dollars for the construction and furnishing of a new dormitory; a sum not exceeding ten thousand dollars for the purchase of land and the erection of a laundry building, and a sum not exceeding three thousand dollars for changes in Normal hall and new furnishings for the same. The expenditure to be under the direction of the state board of education.

Approved March 27, 1895.

Chap. 37 RESOLVE PROVIDING FOR BUILDING A NEW STOCK BARN AT THE LYMAN SCHOOL FOR BOYS.

Lyman school
for boys.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars, to be expended at the Lyman school for boys, at Westborough, under the direction of the trustees thereof, for the purpose of building a new stock barn.

Approved March 27, 1895.

Chap. 38 RESOLVE RELATIVE TO PROVIDING FOOD OR LODGING TO APPLICANTS IN SMALL TOWNS.

Food or lodging
to applicants in
small towns.

Resolved, That the state board of lunacy and charity shall consider and report to the next general court what method, if any, the small towns shall be required to adopt for supplying food or lodging, in almshouses or other places specially provided for that purpose, to persons applying to the overseers of the poor therefor, and for requiring them to perform labor in return therefor.

Approved March 27, 1895.

Chap. 39 RESOLVE RELATIVE TO THE BINDING OF THE REPORT ESTABLISHING THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

Report on
boundary
line between
Massachusetts
and New
Hampshire.

Resolved, That six hundred copies of the report of the commissioners appointed to ascertain and establish the boundary line between the states of Massachusetts and

New Hampshire, with the accompanying maps, reduced to proper size, be bound in flexible cloth for the use of the commissioners.

Approved March 27, 1895.

RESOLVE IN FAVOR OF FRANK L. GARLAND.

Chap. 40

Resolved, That an annuity of two hundred and fifty dollars be allowed and paid from the treasury of the Commonwealth to Frank L. Garland of Concord, for the term of his natural life, as compensation for injuries received by him while in the discharge of his duties as an officer at the Massachusetts reformatory.

Frank L.
Garland.

Approved March 30, 1895.

RESOLVE RELATIVE TO THE TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS.

Chap. 41

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fourteen thousand one hundred dollars, to be expended by the commissioners on the topographical survey for the following purposes, to wit:— For continuing the determination by triangulation of the boundary lines of the cities and towns in this Commonwealth, and marking said boundary lines, to include supplementing topographical map and levelling, a sum not exceeding twelve thousand dollars; for selling and distributing maps, a sum not exceeding one thousand dollars; for duplicating atlases of town boundary plans, a sum not exceeding one thousand dollars; and for instruments, a sum not exceeding one hundred dollars.

Commissioners
on topographi-
cal survey.

Approved March 30, 1895.

RESOLVE TO PROVIDE FOR THE PUBLICATION OF A COURSE OF INSTRUCTION IN DRAWING.

Chap. 42

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred and fifty dollars, to defray the expense of publishing a course of instruction in drawing, for the use of the public schools, the expenditure to be under the direction of the state board of education.

Instruction in
drawing in
public schools.

Approved March 30, 1895.

Chap. 43 RESOLVE PROVIDING FOR REPAIRS, IMPROVEMENTS AND ADDITIONS TO THE LIBRARY OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Agricultural college.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand five hundred dollars, to be expended at the Massachusetts agricultural college at Amherst under the direction of the trustees thereof, for the following purposes, to wit:—A sum not exceeding three thousand dollars for an addition to the insectary, to increase the accommodations for giving instruction in entomology; a sum not exceeding eighteen hundred dollars to provide a gun shed with a place for gallery practice, and a gallery in the drill hall; and a sum not exceeding seven hundred dollars for the purchase of books for a library.

Approved March 30, 1895.

Chap. 44 RESOLVE IN FAVOR OF ALTHEA HAZZARD, MEMBER OF THE HASSANAMISCO TRIBE OF INDIANS.

Althea Hazzard.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the selectmen of the town of Oxford the sum of two hundred dollars, to reimburse them for money expended by said town in the support of Althea Hazzard, a member of the Hassanamisco tribe of Indians; and that from and after the first day of January in the year eighteen hundred and ninety-five there be allowed and paid out of the treasury of the Commonwealth to the selectmen of said town an annuity of two hundred dollars for the rest of the natural life of said Althea Hazzard, to be expended by said selectmen for her benefit, payable in equal quarterly instalments.

Approved March 30, 1895.

Chap. 45 RESOLVE PROVIDING FOR A SCHOOL BUILDING AT THE MASSACHUSETTS REFORMATORY.

Massachusetts reformatory.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars, to be expended under the direction of the commissioners of prisons for constructing and furnishing a school building at the Massachusetts reformatory at Concord.

Approved March 30, 1895.

RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF THE REPORT OF THE BOARD OF REGISTRATION IN MEDICINE. *Chap. 46*

Resolved, That there be printed two thousand additional copies of the first annual report of the board of registration in medicine, for distribution by said board. Report of board of registration in medicine.

Approved April 4, 1895.

RESOLVE PROVIDING FOR AN INVESTIGATION INTO THE SUBJECT OF SCHOOL ATTENDANCE AND TRUANCY. *Chap. 47*

Resolved, That the state board of education is hereby directed to investigate the subject of school attendance and truancy in the Commonwealth, with special reference to the question whether any and if so what improvements can be made in the provisions and arrangements concerning truants and absentees from school. Said board shall be allowed for all expenses actually incurred in the performance of this duty such sum as the governor with the advice and consent of the council shall approve, which shall be paid out of the treasury of the Commonwealth; and it shall report the results of its investigations, with such recommendations as it sees fit, to the next general court. School attendance and truancy.

Approved April 4, 1895.

RESOLVE TO PROVIDE FOR THE CODIFICATION OF CERTAIN STATUTES WHICH THE BOARD OF REGISTRATION IN PHARMACY IS REQUIRED TO ENFORCE. *Chap. 48*

Resolved, That the board of registration in pharmacy cause to be codified, consolidated and arranged, all laws now in force relating to the regulation or practice of pharmacy, and all laws which it is the duty of the members of the board of registration in pharmacy to enforce. Such codification, consolidation and arrangement shall be reported to the general court on or before the first day of January in the year eighteen hundred and ninety-six. There shall be allowed and paid out of the treasury of the Commonwealth, in order to carry out the provisions of this resolve, such sums as the governor and council may approve. Codification of certain statutes.

Approved April 6, 1895.

RESOLVE RELATIVE TO THE SETTLEMENT OF CERTAIN CONTROVERSIES CONCERNING FLATS IN CHARLES RIVER. *Chap. 49*

Whereas, Mary G. Fisk and others claim to be proprietors of parcels of lands and flats in the city of Cambridge, Charles river flats.

situated adjacent to and southerly of the West Boston bridge, and being the same formerly conveyed by Royal Makepeace to Skinner and Hurd, by deed recorded with Middlesex south district deeds, book two hundred and seventy-seven, page seventy-three; and

Whereas, a controversy has arisen between said proprietors and the Commonwealth as to the extent of the lands and flats belonging to said proprietors, and the location of the true boundary line separating the same from the lands and flats of the Commonwealth in Charles river;

Boundary lines
to be estab-
lished.

Resolved, That the superior court be authorized and empowered, upon petition of said proprietors, or of any or either of them, to ascertain and establish the true boundary lines separating the lands and flats of such petitioners from the lands and flats of the Commonwealth. The provisions of chapter one hundred and ninety-five of the Public Statutes shall, so far as applicable, apply to proceedings had hereunder, except that the trial may take place before a single justice, and the court may make such decree concerning the payment of the legal costs of such proceedings as may seem just and equitable.

Approved April 6, 1895.

Chap. 50

Robert J.
Ferris.

RESOLVE IN FAVOR OF ROBERT J. FERRIS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Robert J. Ferris of Cambridge the sum of seventy-five dollars, in full compensation for the loss occasioned to said Ferris by the injury of a horse owned by him, while said horse was being used by the Massachusetts volunteer militia at Framingham, on the nineteenth day of July in the year eighteen hundred and ninety-four. *Approved April 6, 1895.*

Chap. 51

RESOLVE GRANTING TO THE BOARD APPOINTED TO CONSIDER THE SUBJECT OF THE UNEMPLOYED FURTHER TIME FOR MAKING THEIR REPORT.

Time extended.

Resolved, That the time allowed to the board appointed under the provisions of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and ninety-four for making their final report, is hereby extended until the first day of May in the present year. Said board, for the purpose of completing its inquiries, may incur such

expense as may be necessary, not exceeding the unexpended balance of the appropriation authorized by said chapter.

Approved April 6, 1895.

RESOLVES PROVIDING FOR THE PRINTING, BINDING AND DISTRIBUTION
OF THE REPORTS OF THE DECENNIAL CENSUS OF THE YEAR EIGH-
TEEN HUNDRED AND NINETY-FIVE.

Chap. 52

Resolved, That there be printed from stereotype plates, and bound, six thousand five hundred copies of the series of reports of the decennial census of the year eighteen hundred and ninety-five, authorized by chapter two hundred and twenty-four of the acts of the year eighteen hundred and ninety-four. Said reports shall be printed in successive octavo volumes of not exceeding one thousand pages each, of the size of the acts and resolves but in the general style of the annual reports of the bureau of statistics of labor, each volume to contain, so far as practicable, information of the same class.

Reports of
decennial
census.

Resolved, That of said six thousand five hundred copies one thousand copies of each volume shall be made up in separate sheets or sections and bound in pamphlet form, each part containing related or comparable information, and published or distributed as advance bulletins from time to time by the chief of the bureau of statistics of labor in charge of the census. The remaining five thousand five hundred copies shall be bound in cloth and distributed under the direction of the secretary of the Commonwealth, as follows: — To each member of the general court of the year eighteen hundred and ninety-five, eight copies. To the librarian of the state library, for the use of the library, twenty-five copies. To the governor; lieutenant governor; members of the executive council; every executive department; every permanent state board or commission having an office and clerk; senators and representatives of Massachusetts in congress; the clerks of the supreme judicial and superior courts; the registers of deeds; the registers of probate and insolvency; the clerk of the senate and the clerk of the house of representatives, for use in their respective offices; city and town clerks, for the use of their respective cities and towns; the library of every incorporated college and university in the Commonwealth, and the libraries of the Massachusetts Institute of Technology and the Worcester

Distribution.

Polytechnic Institute; every state normal school; every free public library and county law library in the Commonwealth; every state and territorial library and the library of congress; the Massachusetts Historical Society; the New England Historic Genealogical Society; the Boston Athenæum; the American Antiquarian Society in Worcester; one copy each. The residue shall be disposed of as may be required for general public distribution, reserving a proper number for future distribution. All copies which are herein especially apportioned to individuals or institutions, which remain unclaimed or undistributed at the expiration of three months after the publication of the final volume, shall revert to the Commonwealth and be subject to general distribution. *Approved April 6, 1895.*

Chap. 53

James and
Sarah Ball.

RESOLVE IN FAVOR OF JAMES AND SARAH BALL.

Resolved, That James Ball and Sarah Ball, of Boston, father and mother of William Ball who served in the United States navy during the war of the rebellion and who died in said service, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and ninety-four, in the same manner and to the same extent as other fathers and mothers are eligible to receive state aid under said chapter. *Approved April 6, 1895.*

Chap. 54 RESOLVE RELATIVE TO THE COLLECTION OF PORTRAITS OF GOVERNORS OF MASSACHUSETTS.

Commissioner
for collecting
portraits of
former gov-
ernors.

Resolved, That the governor with the advice and consent of the council is authorized to fill any vacancies occurring in the office of the commissioner for collecting portraits of former governors, provided for by chapter fifty-eight of the resolves of the year eighteen hundred and ninety. Such commissioner may incur such expense in completing such collection as the governor and council may approve, and shall include an itemized statement of all expenses so incurred during any year, in his annual report. *Approved April 6, 1895.*

Chap. 55 RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE FARM AT BRIDGEWATER.

State farm at
Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-

four thousand dollars, to be expended at the state farm at Bridgewater under the direction of the trustees and superintendent thereof, for the following purposes, to wit:—For the construction of a yard wall, a sum not exceeding four thousand dollars; for the purpose of lighting the institution by electricity, a sum not exceeding ten thousand dollars; for the purpose of constructing additional hospital and infirmary accommodations, and heating and furnishing the same for not less than sixty inmates, a sum not exceeding thirty thousand dollars.

Approved April 6, 1895.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS
AT THE STATE ALMSHOUSE AT TEWKSBURY.

Chap. 56

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixty-seven thousand three hundred dollars, to be expended at the state almshouse at Tewksbury under the direction of the trustees and superintendent thereof, for the following purposes, to wit:—For furnishing and lighting the administration building, a sum not exceeding five thousand dollars; for building a new chapel, a sum not exceeding six thousand dollars, the same to be in addition to the six thousand dollars authorized by chapter seventy-three of the resolves of the year eighteen hundred and ninety-four for the same purpose; for laundry machinery, a sum not exceeding two thousand dollars; for the renovation of the pumping station and a new boiler, a sum not exceeding eighteen hundred dollars; for the purchase of the Way farm, so-called, of fifty-seven acres, with buildings thereon, a sum not exceeding twenty-five hundred dollars; for the erection of a new building for insane women, a sum not exceeding fifty thousand dollars.

State almshouse
at Tewksbury.

Approved April 6, 1895.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS
AT THE TAUNTON LUNATIC HOSPITAL.

Chap. 57

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of twenty thousand five hundred dollars, to be expended at the Taunton lunatic hospital at Taunton under the direction of the trustees and superintendent thereof, for the following purposes, to wit:—For the erection of a building to be used

Taunton lunatic
hospital.

for a paint shop, upholstering and working rooms for patients, a sum not exceeding twelve thousand dollars: for general repairs, a sum not exceeding five thousand dollars; for additional fire escapes and fire apparatus, laundry machinery, concrete walk and sundry other improvements, a sum not exceeding three thousand five hundred dollars.

Approved April 6, 1895.

Chap. 58 RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS AT THE WESTBOROUGH INSANE HOSPITAL.

Westborough
insane hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand two hundred and fifty dollars, to be expended at the Westborough insane hospital at Westborough under the direction of the trustees thereof, for the following purposes, to wit:—For enlarging the hospital kitchen, a sum not exceeding two thousand dollars; for completing the system of heating and ventilation, a sum not exceeding one thousand dollars; for painting walls and ceiling of the main building, a sum not exceeding three thousand dollars; for renewing and constructing water closets, a sum not exceeding two thousand dollars; for building a brick fireproof hose house near the main building, a sum not exceeding seven hundred and fifty dollars; and for improving farm buildings, a sum not exceeding thirty-five hundred dollars.

Approved April 6, 1895.

Chap. 59 RESOLVE TO PROVIDE FOR A GYMNASIUM FOR THE STATE NORMAL SCHOOL AT WORCESTER.

Normal school
at Worcester.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars, for the purpose of defraying the expense of the erection of a gymnasium at the state normal school in Worcester, the same to be expended under the direction of the state board of education.

Approved April 6, 1895.

Chap. 60 RESOLVE IN FAVOR OF THE CITY OF FITCHBURG.

City of Fitch-
burg.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the city of Fitchburg the sum of eight hundred dollars, to reimburse said city for money paid for armory rent in the year eighteen hundred and ninety-three.

Approved April 6, 1895.

RESOLVE PROVIDING FOR PRINTING THE REPORT OF THE JOINT *Chap. 61*
BOARD UPON THE IMPROVEMENT OF THE CHARLES RIVER.

Resolved, That there be printed for public distribution twenty-five hundred copies of the report of the joint board upon the improvement of the Charles river, made to the legislature of the year eighteen hundred and ninety-four.

Report on
improvement of
Charles river.

Approved April 6, 1895.

RESOLVES TO PROVIDE FOR PRINTING AND DISTRIBUTING THE MAS- *Chap. 62*
SACHUSETTS MILITARY AND NAVAL HISTORY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand dollars, to be expended under the direction of the secretary of the Commonwealth for publishing the Massachusetts military and naval history, prepared by Thomas Wentworth Higginson, state military and naval historian, under authority of chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-nine. Said history shall be published in two volumes, and there shall be printed sixteen hundred copies thereof, to be distributed as follows:—To each member and officer of the general court of the year eighteen hundred and ninety-four, one copy; to each member and officer of the general court of the year eighteen hundred and ninety-five, including the doorkeepers, assistant doorkeepers and messengers, one copy; to the governor, lieutenant governor, each member of the executive council of the year eighteen hundred and ninety-four, and each member of the executive council of the year eighteen hundred and ninety-five, the secretary, treasurer, auditor, and attorney-general of the Commonwealth, and the private secretary of the governor, one copy; to the adjutant general, one copy; to each press reporter regularly assigned to a seat in either branch, one copy; also one copy to the soldiers' home in Chelsea; to each post of the Grand Army of the Republic in the Commonwealth, one copy; to each free public library, one copy; to each city and town in which there is no free public library, one copy; to the state library, twenty copies; to the state military and naval historian, twenty copies; to such historical societies in the Commonwealth as may be designated by the secretary of the Commonwealth, one copy

Military and
naval history.

Distribution.

each; to each state and territory of the United States, one copy: the remaining copies to be held by the secretary of the Commonwealth, subject to future calls or to be sold at a price not less than cost.

Repeal.

Resolved, That chapter ninety-four of the resolves of the year eighteen hundred and ninety-four is hereby repealed.

Approved April 12, 1895.

Chap. 63

Henry Chapman.

RESOLVE IN FAVOR OF HENRY CHAPMAN.

Resolved, That Henry Chapman of Malden, father of Walter Chapman who was a member of company B, thirty-sixth regiment, Massachusetts volunteer infantry, and second lieutenant in company A, fifty-first regiment, United States colored troops, during the war of the rebellion, and was killed in service at Mobile, Alabama, in the month of May in the year eighteen hundred and sixty-five, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and ninety-four, in the same manner and to the same extent as other dependent fathers now receiving aid under said chapter.

Approved April 17, 1895.

Chap. 64 RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF THE REPORT OF THE METROPOLITAN SEWERAGE COMMISSIONERS.

Report of metropolitan sewerage commissioners.

Resolved, That fifteen hundred extra copies of the sixth annual report of the board of metropolitan sewerage commissioners be printed, five hundred copies to be bound in cloth; to be distributed under the direction of said commissioners.

Approved April 17, 1895.

Chap. 65 RESOLVE PROVIDING FOR PAINTING THE REPRESENTATION OF THE CODFISH AND SUSPENDING THE SAME IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES.

Painting, etc., representation of codfish.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one hundred dollars, to be expended under the direction of the speaker of the house, for the purpose of painting the representation of the codfish and suspending the same in the chamber of the house of representatives.

Approved April 17, 1895.

RESOLVE IN FAVOR OF SOPHIA H. COLEMAN.

Chap. 66

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Sophia H. Coleman, an annuity of two hundred and fifty dollars during her life, payable in equal quarterly instalments, for injuries received by her at the reformatory prison for women while in the employ of the Commonwealth. *Approved April 17, 1895.*

Sophia H.
Coleman.

RESOLVE PROVIDING FOR THE PROTECTION OF THE TOWN OF AGAWAM AGAINST THE FURTHER ENCROACHMENTS OF THE CONNECTICUT RIVER.

Chap. 67

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the board of harbor and land commissioners, in pursuance of the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five, the sum of three thousand dollars, for such surveys and examinations and such protective works as may be found necessary and practicable to protect the western bank of the Connecticut river in the town of Agawam, and the highway near said bank, from the further encroachments of said river. *Approved April 17, 1895.*

Encroachments
of Connecticut
river on town
of Agawam.

RESOLVE PROVIDING FOR THE CARE AND CUSTODY OF THE STATE HOUSE.

Chap. 68

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the following sums in addition to the sums now provided by law, to be expended under the direction of the sergeant-at-arms: — For watchmen and assistant watchmen, eight thousand two hundred dollars; for a stenographer and an office boy for the sergeant-at-arms' office, one thousand two hundred dollars; for a matron, eight hundred dollars; for porters, three thousand dollars; for a gardener, nine hundred dollars; for a chief engineer and assistant engineers, four thousand five hundred dollars; for firemen, oilers and cleaners, seven thousand eight hundred dollars; for electricians, two thousand three hundred dollars; for a man to care for elevator pumps and machinery, and for elevator men, three thousand eight hundred dollars; for a steam fitter and a helper, fifteen hundred dollars.

Care and cus-
tody of state
house.*Approved April 17, 1895.*

Chap. 69 RESOLVE PROVIDING FOR ENLARGING THE WORKSHOPS AT THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Hospital for
dipsomaniacs
and inebriates.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand five hundred dollars, to be expended at the Massachusetts hospital for dipsomaniacs and inebriates, at Foxborough, under the direction of the trustees and superintendent thereof, for enlarging the workshops at said hospital.

Approved April 17, 1895.

Chap. 70 RESOLVES IN FAVOR OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Institute of
Technology.

Resolved, That there shall be paid annually, for the term of six years, from the treasury of the Commonwealth to the treasurer of the Massachusetts Institute of Technology, the sum of twenty-five thousand dollars, to be so paid and allowed from the first day of January in the year eighteen hundred and ninety-six, to be expended under the direction of said corporation for the general purposes of said institute.

Free scholar-
ships.

Resolved, That in addition to the amount provided for above there shall be paid annually, for the term of six years, from the treasury of the Commonwealth to the treasurer of the Massachusetts Institute of Technology, the sum of two thousand dollars, to be so paid and allowed from the first day of January in the year eighteen hundred and ninety-six, to be expended for ten free scholarships, under the direction of the state board of education; said scholarships to be awarded only to graduates of the Massachusetts public schools.

Approved April 17, 1895.

Chap. 71 RESOLVE RELATIVE TO THE PUBLICATION OF THE REPORT OF THE COMMITTEE APPOINTED TO PREPARE THE HISTORY OF THE CODFISH SUSPENDED IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES.

Report on his-
tory of codfish.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to meet the expense of publishing the report of the committee appointed to prepare the history of the codfish suspended in the chamber of the house of representatives, together with the speech of Mr. Irwin of Northampton. Said report shall be printed under the direction of the secretary of the Commonwealth, who shall

cause to be inserted in the same volume with said report a brief preface to be prepared by the committee, a portrait of the speaker of the house of representatives; also a view of the representatives' chamber in the old state house at the head of State street, a view of the representatives' chamber in the Bulfinch state house on Beacon street, showing the codfish as it hung in that chamber, and a view of the present representatives' chamber showing the codfish in the position now assigned to it; also a portrait of John Rowe, Esquire, and a facsimile of his autograph; also a list of the names of the members of the executive council, and of the senate and house of representatives, for the year eighteen hundred and ninety-five. There shall be printed a sufficient number of copies thereof to be distributed as follows: — To the governor, lieutenant governor, members of the executive council, the secretary, treasurer, auditor, and attorney-general of the Commonwealth, and the secretaries and messengers of the executive department, each one copy. To each member and officer of the general court for the year eighteen hundred and ninety-five, twelve copies. To each messenger and page of the general court, one copy. To each reporter regularly assigned a seat in the reporters' gallery, one copy. To the members of the committee which prepared the history, fifty copies each. To each senator and representative from the Commonwealth in the congress of the United States, one copy. To the state library, twenty copies. To each free public library in the Commonwealth, one copy. To each city and town of the Commonwealth in which there is no free public library, one copy. To each historical society in the Commonwealth, one copy. To each state and territory in the United States, one copy. To the secretary of the Commonwealth for distribution at his discretion, two hundred copies.

Distribution.

Approved April 17, 1895.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE HOSPITAL COTTAGES FOR CHILDREN AT BALDWINVILLE. *Chap. 72*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand dollars, to be expended at the hospital cottages for children at Baldwinville under the direction of the trustees thereof, for building fire escapes and fireproof walls in the several cottages.

Hospital cottages for children.

Approved April 17, 1895.

Chap. 73

Jane Parks.

RESOLVE IN FAVOR OF JANE PARKS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Jane Parks of Cambridge, an annuity of two hundred dollars during her natural life, payable in equal quarterly instalments.

Approved April 25, 1895.

Chap. 74 RESOLVE INSTRUCTING THE BOARD OF HARBOR AND LAND COMMISSIONERS TO MAKE A REPORT RELATIVE TO THE SHOALINGS WHICH HAVE TAKEN PLACE IN BOSTON HARBOR SINCE THE YEAR EIGHTEEN HUNDRED AND SIXTY.

Report relative
to certain
shoalings in
Boston harbor.

Resolved, That the board of harbor and land commissioners are hereby instructed to report to the general court on or before the first day of May in the year eighteen hundred and ninety-five what shoalings have taken place in Boston harbor since the year eighteen hundred and sixty, between the bridges and a line drawn from Jeffries point to Governor's island, to Castle island and South Boston; the location and extent of such shoalings; the nature of the deposits; when and to what extent dredging has been done by the federal, state or municipal governments; the nature of the materials dredged; and whether dredging was done to deepen the natural channel or to remove deposits; or so much of such information as records or information at their command will afford.

Approved April 25, 1895.

Chap. 75 RESOLVE IN FAVOR OF THE WIDOW OF PELEG EMORY ALDRICH.

Widow of
Peleg Emory
Aldrich.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Peleg Emory Aldrich, late justice of the superior court, who died on the fourteenth day of March of the present year, the sum of four thousand three hundred and seventy-six dollars and twenty-five cents, being the amount of salary which the said Peleg Emory Aldrich would have been entitled to receive had he lived until the thirty-first day of December in the year eighteen hundred and ninety-five.

Approved April 25, 1895.

Chap. 76 RESOLVE IN FAVOR OF THE WIDOW OF EDWARD P. LORING.

Widow of
Edward P.
Loring.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Edward

P. Loring, late controller of county accounts, who died on the thirtieth day of October in the year eighteen hundred and ninety-four, the sum of four hundred twenty-three dollars and thirty-nine cents, being the amount of salary said Edward P. Loring would have been entitled to receive had he lived until the thirty-first day of December in said year.

Approved April 25, 1895.

RESOLVE TO PROVIDE FOR REPAIRS AT THE REFORMATORY PRISON
FOR WOMEN.

Chap. 77

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand dollars, to be expended at the reformatory prison for women, at Sherborn, under the direction of the commissioners of prisons, for the following purposes, to wit: — For completing the repairs and alterations of the plumbing, laundry and sewerage systems of said prison, as provided for in chapter one hundred and seven of the resolves of the year eighteen hundred and ninety-four, a sum not exceeding seven thousand dollars; for repairing chimneys and battlements, a sum not exceeding one thousand dollars; for repairing farm buildings, a sum not exceeding three thousand dollars; and for a new dynamo to furnish electric light, a sum not exceeding one thousand dollars.

Reformatory
prison for
women.

Approved April 25, 1895.

RESOLVE IN FAVOR OF STEPHEN F. MADDEN.

Chap. 78

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five hundred dollars to Stephen F. Madden of Lynn, whose son was killed at the armory of the Massachusetts volunteer militia at Lynn on the seventeenth day of September in the year eighteen hundred and ninety-four.

Stephen F.
Madden.

Approved April 30, 1895.

RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE
LUNATIC HOSPITAL AT NORTHAMPTON.

Chap. 79

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended at the state lunatic hospital at Northampton under the direction of the trustees thereof, for the following purposes, to wit: — For completing the improvements now in process of construction

Northampton
lunatic hospital.

in the central building, for new corridors, for fitting the space occupied by the old chapel, and for fireproof work, a sum not exceeding twenty-five thousand dollars; and for the exclusive purpose of completing certain improvements in the north wing of said hospital, a sum not exceeding twenty-five thousand dollars.

Approved April 30, 1895.

Chap. 80

Patrick
McIntee.

RESOLVE IN FAVOR OF PATRICK MCINTEE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five hundred dollars to Patrick McIntee of Lynn, whose son, Michael J. McIntee, died from a wound received at the armory of the Massachusetts volunteer militia at Lynn on the seventeenth day of September in the year eighteen hundred and ninety-four.

Approved April 30, 1895.

Chap. 81

Historical
address by
Alfred S. Roe.

RESOLVE RELATIVE TO THE PUBLICATION OF THE HISTORICAL ADDRESS DELIVERED IN THE HOUSE OF REPRESENTATIVES BY ALFRED S. ROE OF WORCESTER.

Resolved, That there be added to the portraits to be inserted in the volume containing the historical address delivered in the house of representatives on the second day of January in the present year a portrait of the author of said address.

Approved May 2, 1895.

Chap. 82

Gypsy moth.

RESOLVE TO PROVIDE FOR CONTINUING THE WORK OF EXTERMINATING THE GYPSY MOTH.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one hundred and fifty thousand dollars, to be expended under the direction of the state board of agriculture, for continuing the work of exterminating the gypsy moth, as provided in chapter two hundred and ten of the acts of the year eighteen hundred and ninety-one. No part of the above appropriation shall be paid by the state board of agriculture to any person not a citizen of this Commonwealth: *provided*, that not exceeding four thousand dollars of the above-named sum may be expended for printing a report of the scientific facts ascertained, the editing and preparation for printing of which was provided for by chapter seventy-one of the resolves of the year eighteen hundred and ninety-four. The above sum shall be in addition to

any balance remaining unexpended of the appropriation of the year eighteen hundred and ninety-four.

Approved May 2, 1895.

RESOLVE DIRECTING THE STATE BOARD OF HEALTH TO INVESTIGATE THE SANITARY CONDITION OF THE NEPONSET MEADOWS.

Chap. 83

Resolved, That the state board of health be directed to investigate the sanitary condition of the meadows on the Neponset river and the beds, shores and waters of said river in the towns of Canton, Sharon, Norwood, Dedham, Milton and Hyde Park, and report whether their condition is dangerous or injurious to the public health by reason of stagnant water or refuse from manufactories, or other causes. If said board shall find that the condition of the meadows or of the beds, shores or waters is dangerous or injurious to the public health, they shall recommend some plan for improving their sanitary condition and for the removal of any nuisance therefrom, and report the same to the next general court. The board may expend a sum not exceeding three thousand dollars in carrying out the provisions of this resolve.

Investigation of sanitary condition of Neponset meadows.

Approved May 9, 1895.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AT THE STATE NORMAL SCHOOL AT WORCESTER.

Chap. 84

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended under the direction of the state board of education at the state normal school at Worcester for repairs, alterations and improved sanitary appliances.

Normal school at Worcester.

Approved May 9, 1895.

RESOLVE PROVIDING FOR THE CONSTRUCTION OF WORKSHOPS AND CERTAIN REPAIRS AT THE MASSACHUSETTS REFORMATORY.

Chap. 85

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand five hundred dollars, to be expended at the Massachusetts reformatory at Concord under the direction of the commissioners of prisons, for the following purposes, to wit:—For the construction of workshops to replace existing wooden shops, a sum not exceeding ten thousand dollars; for painting and repairing officers' houses, a sum not exceeding two thousand five hundred dollars.

Massachusetts reformatory.

Approved May 14, 1895.

Chap. 86 RESOLVE TO CONFIRM THE ACTS OF LEWIS W. HOWES AS A NOTARY PUBLIC.

Lewis W.
Howes, notary
public, acts
confirmed.

Resolved, That all the acts done by Lewis W. Howes of Boston as a notary public, between the seventh day of April in the year eighteen hundred and ninety-three and the sixth day of March in the year eighteen hundred and ninety-five, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved May 14, 1895.

Chap. 87 RESOLVE TO PROVIDE FOR FURNISHING THE NEW BUILDINGS OF THE MEDFIELD INSANE ASYLUM.

Medfield insane
asylum.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty thousand dollars, to be expended under the direction of the trustees of the Medfield insane asylum for the purpose of furnishing the eighteen buildings now nearly completed.

Approved May 14, 1895.

Chap. 88 RESOLVE RELATIVE TO THE COMPENSATION FOR TRAVEL AND ATTENDANCE OF JAMES P. NILES, SENATOR FROM THE SECOND MIDDLESEX DISTRICT.

James P. Niles,
compensation.

Resolved, That James P. Niles, senator from the second Middlesex district, be allowed the same compensation for travel and attendance for the current session that is provided by section four of chapter fifty-nine of the acts of the year eighteen hundred and ninety-two, for members of the senate and house of representatives for the regular annual session.

Approved May 14, 1895.

Chap. 89 RESOLVE TO PROVIDE FOR OBTAINING PLANS FOR A PRISON FOR THE CONFINEMENT OF MINOR OFFENDERS.

Prison for
confinement of
minor offenders.

Resolved, That the commissioners of prisons be authorized to obtain plans for buildings to be used for the confinement of prisoners convicted of such minor offences as are now punishable in county prisons, said buildings to be so arranged as to provide for one hundred and fifty inmates and to be constructed at the smallest cost consistent with security and proper administration. They may expend for such plans a sum not exceeding three hundred dollars, and shall present said plans with an estimate of the cost of constructing such buildings to the next general

court before the third Tuesday in January in the year eighteen hundred and ninety-six.

Approved May 14, 1895.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS Chap. 90
AT THE STATE PRISON.

Resolved, That there be allowed and paid out of the State prison. treasury of the Commonwealth a sum not exceeding six thousand dollars, to be expended at the state prison at Boston under the direction of the commissioners of prisons, for the following purposes, to wit: — For repairing and altering the kitchen of the prison, a sum not exceeding three thousand dollars; for furnishing the houses of the warden and deputy warden, a sum not exceeding twenty-five hundred dollars; and for repairing said houses, a sum not exceeding five hundred dollars.

Approved May 14, 1895.

RESOLVE PROVIDING FOR THE PURCHASE OF A PORTRAIT OF Chap. 91
HENRY WILSON.

Resolved, That there be allowed and paid out of the Portrait of
Henry Wilson. treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended under the direction of the governor and council in purchasing the portrait of Henry Wilson now on exhibition in the reading room of the house of representatives.

Approved May 17, 1895.

RESOLVE PROVIDING FOR AN ADDITIONAL EXPENDITURE IN PUBLISHING THE HISTORICAL ADDRESS DELIVERED IN THE HOUSE Chap. 92
OF REPRESENTATIVES BY ALFRED S. ROE OF WORCESTER.

Resolved, That there be allowed and paid out of the Historical
address by
Alfred S. Roe. treasury of the Commonwealth a sum not exceeding six hundred and fifty dollars, to meet the expenses of publishing the historical address delivered in the house of representatives by Alfred S. Roe of Worcester on the third day of January in the present year, this amount to be in addition to the amount authorized by chapter three of the resolves of the present year.

Approved May 17, 1895.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BARN- Chap. 93
STABLE.

Resolved, That the county commissioners for the county County tax,
Barnstable. of Barnstable are hereby authorized to levy as the county

County tax,
Barnstable

tax of said county for the current year, in the manner provided by law, the sum of twenty-four thousand dollars, to be expended for the following purposes, to wit:—

For salaries, a sum not exceeding six thousand eight hundred dollars.

For county commissioners' travel, a sum not exceeding three hundred and fifty dollars.

For terms of court, a sum not exceeding two thousand dollars.

For criminal prosecutions, a sum not exceeding two thousand five hundred dollars.

For support of prisoners, a sum not exceeding two thousand five hundred dollars.

For county buildings, a sum not exceeding one thousand dollars.

For the register of deeds' office, a sum not exceeding four hundred and fifty dollars.

For the probate office, a sum not exceeding two hundred dollars.

For the county treasurer's office, a sum not exceeding one hundred dollars.

For the clerk's office, a sum not exceeding one hundred and fifty dollars.

For medical examiners, a sum not exceeding four hundred dollars.

For the first district court, a sum not exceeding five hundred dollars.

For the second district court, a sum not exceeding nine hundred dollars.

For fuel, a sum not exceeding five hundred dollars.

For roads and bridges, a sum not exceeding two thousand two hundred dollars.

For insane cases, a sum not exceeding three hundred and fifty dollars.

For bounty on seals, a sum not exceeding one hundred and fifty dollars.

For miscellaneous expenses, a sum not exceeding fifty dollars.

For the payment of the court house loan, a sum not exceeding nine hundred dollars.

For the reduction of the county debt and payment of interest, a sum not exceeding two thousand dollars.

Approved May 17, 1895.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BERKSHIRE. *Chap. 94*

Resolved, That the county commissioners for the county of Berkshire are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of seventy-eight thousand dollars, to be expended for the following purposes, to wit: —

County tax,
Berkshire.

For the payment of grand and traverse jurors, a sum not exceeding five thousand dollars.

For salaries of county commissioners, a sum not exceeding two thousand one hundred dollars.

For the salary of the clerk of courts, a sum not exceeding two thousand eight hundred dollars.

For the salary of the county treasurer, a sum not exceeding one thousand five hundred dollars.

For the salary of the sheriff, a sum not exceeding one thousand six hundred dollars.

For salaries of justices of district and police courts, a sum not exceeding six thousand three hundred dollars.

For salaries of clerks of district and police courts, a sum not exceeding two thousand two hundred dollars.

For salaries of probation officers, a sum not exceeding two thousand dollars.

For salaries of janitor and messenger, a sum not exceeding eight hundred dollars.

For clerk hire in clerk's office, a sum not exceeding nine hundred dollars.

For medical examiners, constables and commitment of lunatics, a sum not exceeding one thousand eight hundred dollars.

For officers of courts and service of notices, a sum not exceeding one thousand seven hundred dollars.

For stationery, record books, blanks and advertising, a sum not exceeding one thousand four hundred dollars.

For fuel, lights and repairs, a sum not exceeding two thousand five hundred dollars.

For expenses of district and police courts, a sum not exceeding one thousand eight hundred dollars.

For indexing records, a sum not exceeding three hundred dollars.

For expenses at the house of correction, including the salary of the master, a sum not exceeding fifteen thousand dollars.

County tax,
Berkshire.

For land damages and making roads, a sum not exceeding two thousand dollars.

For state highways, a sum not exceeding one thousand dollars.

For expenses of truant school, a sum not exceeding one thousand eight hundred dollars.

For costs of criminal prosecutions, a sum not exceeding seven thousand dollars.

For auditors and stenographers, a sum not exceeding five hundred dollars.

For the reduction of the county debt, a sum not exceeding ten thousand dollars.

For interest, a sum not exceeding seven thousand dollars.

For miscellaneous and contingent expenses, a sum not exceeding two thousand dollars.

Approved May 17, 1895.

Chap. 95

County tax,
Bristol.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BRISTOL.

Resolved, That the county commissioners for the county of Bristol are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and fifty thousand dollars, to be expended for the following purposes, to wit: —

For criminal costs, a sum not exceeding thirteen thousand dollars.

For the support of prisoners in jails and in the house of correction, a sum not exceeding twenty-seven thousand dollars.

For salaries of masters and assistants in jails and in the house of correction, a sum not exceeding twenty-four thousand dollars.

For the compensation of grand and traverse jurors, a sum not exceeding thirteen thousand dollars.

For salaries of justices and clerks of district courts, a sum not exceeding fourteen thousand five hundred dollars.

For salaries of county officers, a sum not exceeding twelve thousand five hundred dollars.

For deputy sheriffs, medical examiners and constables, a sum not exceeding six thousand dollars.

For repairs, improvements and expenses in public buildings, a sum not exceeding twenty-six thousand dollars.

For highway and land damages, a sum not exceeding four thousand dollars.

For indexing and classifying land records and copying deeds, a sum not exceeding seven thousand dollars. County tax, Bristol.

For the law library, a sum not exceeding three thousand dollars.

For insane cases, a sum not exceeding two thousand five hundred dollars.

For auditors' fees, a sum not exceeding two thousand dollars.

For interest on loans, a sum not exceeding twenty-four thousand dollars.

For books, stationery and printing, a sum not exceeding three thousand dollars.

For the reduction of the county debt, a sum not exceeding sixty-two thousand five hundred dollars.

For the support of the truant school, a sum not exceeding two thousand dollars.

For rents and maintenance of district courts, a sum not exceeding four thousand dollars.

Approved May 17, 1895.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES COUNTY. *Chap. 96*

Resolved, That the county commissioners for the county of Dukes County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of seven thousand five hundred dollars, to be expended for the following purposes, to wit:— County tax, Dukes County.

For salaries of county commissioners, a sum not exceeding four hundred dollars.

For the compensation of grand jurors, a sum not exceeding two hundred and fifty dollars.

For the compensation of traverse jurors, a sum not exceeding six hundred dollars.

For the compensation of the sheriff and his deputies, a sum not exceeding five hundred dollars.

For costs of criminal prosecutions, medical examiners and inquests, a sum not exceeding seven hundred dollars.

For expenses at the jail and house of correction, a sum not exceeding eight hundred dollars.

For highways and contingent expenses, a sum not exceeding two thousand seven hundred dollars.

For the salary of the county treasurer, a sum not exceeding three hundred dollars.

For the salary of the clerk of courts, a sum not exceeding six hundred dollars.

For the salary of the register of deeds, a sum not exceeding two hundred dollars.

For interest on the county debt, a sum not exceeding four hundred and fifty dollars. *Approved May 17, 1895.*

Chap. 97

County tax,
Essex.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX.

Resolved, That the county commissioners for the county of Essex are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and forty-six thousand four hundred and eighty-one dollars, to be expended for the following purposes, to wit: —

For the reduction of the county debt, a sum not exceeding twenty-six thousand dollars.

For interest, a sum not exceeding seven thousand dollars.

For auditors and masters, a sum not exceeding one thousand nine hundred and thirty-one dollars.

For jurors, officers and constables, a sum not exceeding twenty-eight thousand dollars.

For insane cases, a sum not exceeding four thousand dollars.

For the clerk of courts, a sum not exceeding eleven thousand dollars.

For the county commissioners, a sum not exceeding five thousand dollars.

For the county treasurer, a sum not exceeding three thousand dollars.

For the register of probate and insolvency and the register of deeds, a sum not exceeding four thousand dollars.

For the sheriff, a sum not exceeding two thousand six hundred and fifty dollars.

For the law library association, a sum not exceeding two thousand dollars.

For the Salem court house, a sum not exceeding ten thousand dollars.

For the Lawrence court house, a sum not exceeding two thousand dollars.

For the Newburyport court house, a sum not exceeding four hundred dollars.

For the district attorney's office, a sum not exceeding one thousand five hundred dollars.

For district and police courts, a sum not exceeding County tax, Essex. thirty-four thousand dollars.

For trial justices, a sum not exceeding three thousand five hundred dollars.

For miscellaneous criminal expenses, a sum not exceeding ten thousand dollars.

For medical examiners and inquests, a sum not exceeding two thousand dollars.

For the Lawrence house of correction, a sum not exceeding eighteen thousand dollars.

For the Salem house of correction, a sum not exceeding thirteen thousand dollars.

For the Ipswich house of correction, a sum not exceeding fifteen thousand dollars.

For the Newburyport jail, a sum not exceeding six thousand dollars.

For the truant school, a sum not exceeding six thousand five hundred dollars.

For highways and bridges, a sum not exceeding thirty thousand dollars.

Approved May 17, 1895.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN.

Chap. 98

Resolved, That the county commissioners for the county of Franklin are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of thirty-three thousand dollars, to be expended for the following purposes, to wit: — County tax, Franklin.

For the compensation of grand and traverse jurors, a sum not exceeding three thousand dollars.

For criminal expenses, a sum not exceeding five thousand dollars.

For officers' bills and supplies, a sum not exceeding one thousand two hundred dollars.

For fuel, lights and water for county buildings, a sum not exceeding one thousand five hundred dollars.

For venires, a sum not exceeding two hundred and fifty dollars.

For expense of prisoners, a sum not exceeding two thousand dollars.

For stationery and printing, a sum not exceeding one thousand dollars.

For the salary of the sheriff, a sum not exceeding eight hundred dollars.

County tax,
Franklin.

For the salary of the jailer, a sum not exceeding seven hundred dollars.

For the salary of the overseer of the workshop, a sum not exceeding four hundred and eighty dollars.

For the salary of the turnkey, a sum not exceeding six hundred dollars.

For the salary of the matron, a sum not exceeding one hundred and fifty dollars.

For the salary of the messenger, a sum not exceeding seven hundred dollars.

For salaries of county and special commissioners, a sum not exceeding one thousand six hundred dollars.

For the salary of the treasurer, a sum not exceeding six hundred dollars.

For the salary of the clerk of courts, a sum not exceeding one thousand eight hundred dollars.

For repairs on county buildings, a sum not exceeding one thousand dollars.

For interest on county debt, a sum not exceeding one thousand six hundred dollars.

For clerk hire in clerk's office, a sum not exceeding five hundred dollars.

For land damages, a sum not exceeding one thousand dollars.

For the law library, a sum not exceeding six hundred dollars.

For indexing in office of register of deeds, a sum not exceeding six thousand dollars.

For contingent expenses, a sum not exceeding nine hundred and twenty dollars. *Approved May 17, 1895.*

Chap. 99 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPDEN.

County tax,
Hampden.

Resolved, That the county commissioners for the county of Hampden are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and thirty-five thousand dollars, to be expended for the following purposes, to wit:—

For the compensation of jurors, a sum not exceeding thirteen thousand five hundred dollars.

For the service of venires, a sum not exceeding four hundred dollars.

For officers of courts and meals of jurors, a sum not exceeding three thousand dollars.

For salaries and expenses of county and special commissioners, a sum not exceeding two thousand six hundred dollars. County tax, Hampden.

For salaries of the sheriff and treasurer, a sum not exceeding three thousand dollars.

For the stenographer, a sum not exceeding one thousand dollars.

For land damages, a sum not exceeding five hundred dollars.

For the publication of commissioners' notices, a sum not exceeding two hundred dollars.

For surveys of highways, a sum not exceeding one thousand dollars.

For the construction of highways, a sum not exceeding five thousand dollars.

For medical examiners, a sum not exceeding one thousand five hundred dollars.

For salaries of the messenger and engineer at the court house, a sum not exceeding two thousand dollars.

For clerk's assistants at the court house, a sum not exceeding two thousand dollars.

For record books and stationery, a sum not exceeding one thousand five hundred dollars.

For indexing, a sum not exceeding one thousand dollars.

For the law library, a sum not exceeding one thousand five hundred dollars.

For repairs at the court house, a sum not exceeding four thousand dollars.

For fuel and lights at the court house, a sum not exceeding one thousand four hundred dollars.

For the clerk of courts, a sum not exceeding three thousand five hundred dollars.

For miscellaneous expenses, a sum not exceeding one thousand dollars.

For interest on county notes, a sum not exceeding fifteen thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For insane cases, a sum not exceeding one thousand five hundred dollars.

For the truant school, a sum not exceeding five thousand dollars, less receipts.

For salaries of officers of police and district courts, a sum not exceeding twelve thousand dollars.

County tax,
Hampden.

For police court supplies, a sum not exceeding one thousand five hundred dollars.

For probation officers, a sum not exceeding three thousand two hundred dollars.

For the following expenses at the jail and house of correction:—

For provisions, a sum not exceeding seven thousand five hundred dollars.

For clothing, a sum not exceeding one thousand five hundred dollars.

For fuel and light, a sum not exceeding four thousand dollars.

For beds and bedding, a sum not exceeding four hundred dollars.

For salaries of officers, a sum not exceeding six thousand five hundred dollars.

For board of officers and employees, a sum not exceeding one thousand two hundred dollars.

For additions and repairs, a sum not exceeding two thousand dollars.

For instruction, a sum not exceeding three hundred dollars.

For furniture and utensils, a sum not exceeding three hundred dollars.

For miscellaneous expenses, a sum not exceeding one thousand dollars.

For water rents, a sum not exceeding six hundred dollars.

For medicine and medical attendance, a sum not exceeding one thousand dollars.

For the reduction of the county debt, a sum not exceeding thirty-five thousand dollars.

Approved May 17, 1895.

*Chap.*100 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax,
Hampshire.

Resolved, That the county commissioners for the county of Hampshire are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of forty-eight thousand dollars, to be expended for the following purposes, to wit:—

For the annual instalment on the county debt, a sum not exceeding eight thousand dollars.

For interest, a sum not exceeding four thousand two hundred dollars.

For criminal costs, a sum not exceeding two thousand dollars. County tax, Hampshire.

For salaries of county commissioners, a sum not exceeding one thousand six hundred dollars.

For the clerk of courts, a sum not exceeding two thousand three hundred dollars.

For the justice of the district court, a sum not exceeding two thousand three hundred dollars.

For the clerk of the district court, a sum not exceeding one thousand three hundred dollars.

For the sheriff, a sum not exceeding one thousand dollars.

For the county treasurer, a sum not exceeding eight hundred dollars.

For the jailer and master of the house of correction, a sum not exceeding one thousand dollars.

For the turnkey, matron, physician and organist, a sum not exceeding nine hundred dollars.

For the probation officer, a sum not exceeding six hundred dollars.

For the messenger, a sum not exceeding eight hundred dollars.

For clerical assistance, a sum not exceeding six hundred dollars.

For deputy sheriffs attending court, a sum not exceeding one thousand three hundred dollars.

For constables serving venires, a sum not exceeding three hundred and fifty dollars.

For printing and advertising, a sum not exceeding one thousand five hundred dollars.

For stationery, a sum not exceeding three hundred dollars.

For fuel, lights and water, a sum not exceeding one thousand four hundred dollars.

For medical examiners, a sum not exceeding four hundred dollars.

For the law library, a sum not exceeding one thousand dollars.

For indexing, a sum not exceeding one thousand two hundred dollars.

For the jail and house of correction, a sum not exceeding five thousand dollars.

For repairs on county buildings, a sum not exceeding five hundred dollars.

County tax,
Hampshire.

For the care of county bridges, a sum not exceeding one thousand dollars.

For surveying, a sum not exceeding one hundred dollars.

For grand and traverse jurors, a sum not exceeding four thousand five hundred dollars.

For land damages, a sum not exceeding one hundred dollars.

For rent and postage, a sum not exceeding four hundred dollars.

For insane cases, a sum not exceeding three hundred dollars.

For special justices of the district court, a sum not exceeding four hundred dollars.

For stenographers, a sum not exceeding four hundred dollars.

For the truant school, a sum not exceeding two hundred dollars.

For miscellaneous expenses, a sum not exceeding two hundred and fifty dollars.

Approved May 17, 1895.

Chap. 101

County tax,
Worcester.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER.

Resolved, That the county commissioners for the county of Worcester are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred thousand dollars, to be expended for the following purposes, to wit: —

For the payment of note and interest, a sum not exceeding thirty thousand two hundred and fifty dollars.

For the law library, a sum not exceeding four thousand dollars.

For criminal costs, a sum not exceeding twelve thousand dollars.

For houses of correction, a sum not exceeding fifty thousand dollars.

For the compensation of auditors and masters, a sum not exceeding three thousand dollars.

For the compensation of jurors, a sum not exceeding twenty thousand dollars.

For repairs on public buildings, a sum not exceeding five thousand dollars.

For roads and land damages, a sum not exceeding two thousand dollars.

For district court expenses, a sum not exceeding thirty-five thousand dollars.

For the sheriff's salary, a sum not exceeding two thousand five hundred dollars. County tax,
Worcester.

For the assistant district attorney's salary, a sum not exceeding one thousand two hundred dollars.

For the office of the clerk of courts, a sum not exceeding twelve thousand five hundred dollars.

For salaries of county commissioners, a sum not exceeding six thousand dollars.

For the salary of the county treasurer, a sum not exceeding three thousand dollars.

For court houses, care, fuel and lights, a sum not exceeding six thousand dollars.

For deputy sheriffs' attendance in court, a sum not exceeding four thousand five hundred dollars.

For stenographer's salary and supplies, a sum not exceeding two thousand dollars.

For insane cases, a sum not exceeding four thousand dollars.

For indexing deeds, a sum not exceeding nine thousand dollars.

For serving venires, a sum not exceeding eight hundred dollars.

For the truant school, a sum not exceeding nine thousand dollars.

For the registry of deeds, a sum not exceeding one thousand dollars.

For the registry of probate and insolvency, a sum not exceeding five thousand dollars.

For extra clerical service in the registry of probate and insolvency, a sum not exceeding one thousand two hundred dollars.

For trial justices, a sum not exceeding four thousand dollars.

For state highways, a sum not exceeding seven thousand five hundred dollars.

For contingent expenses, a sum not exceeding four thousand five hundred and fifty dollars.

Approved May 17, 1895.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX.

Chap. 102

Resolved, That the county commissioners for the county of Middlesex are hereby authorized to levy as the county tax of said county for the current year, in the manner County tax,
Middlesex.

County tax,
Middlesex.

provided by law, the sum of four hundred and twenty thousand dollars, to be expended for the following purposes, to wit: —

For expenses in civil courts, a sum not exceeding forty thousand dollars.

For expenses in criminal courts, a sum not exceeding sixty-five thousand dollars.

For salaries of county officers, and clerical assistance, a sum not exceeding thirty thousand dollars.

For salaries of justices and clerks of district courts, a sum not exceeding thirty-five thousand dollars.

For support of prisoners, a sum not exceeding eighty-five thousand dollars.

For highways and land damages, a sum not exceeding twenty-five thousand dollars.

For fuel, light and water, a sum not exceeding six thousand dollars.

For making indexes and copying old records, a sum not exceeding fifteen thousand dollars.

For law and record books, printing and stationery, a sum not exceeding ten thousand dollars.

For care of county buildings, a sum not exceeding five thousand dollars.

For medical examiners, a sum not exceeding four thousand dollars.

For insane cases, a sum not exceeding ten thousand dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For copying records for the northern district registry of deeds, a sum not exceeding six thousand dollars.

For repairs and improvements on county buildings, a sum not exceeding fifteen thousand dollars.

For truant school improvements, a sum not exceeding ten thousand dollars.

For truant school expenses, a sum not exceeding ten thousand dollars.

For interest, a sum not exceeding twenty-four thousand dollars.

For the reduction of the truant school debt, a sum not exceeding ten thousand dollars.

For the new registry building, a sum not exceeding ten thousand dollars.

Approved May 17, 1895.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH. *Chap. 103*

Resolved, That the county commissioners for the county of Plymouth are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of ninety-five thousand dollars, to be expended for the following purposes, to wit:—

For salaries of county officers, a sum not exceeding seven thousand five hundred dollars.

For expenses at the house of correction, a sum not exceeding twelve thousand five hundred dollars.

For janitors, a sum not exceeding one thousand six hundred dollars.

For road notices and monuments, a sum not exceeding one thousand dollars.

For land damages, a sum not exceeding eight thousand dollars.

For towns for the construction of highways, a sum not exceeding three thousand dollars.

For medical examiners and insane cases, a sum not exceeding one thousand five hundred dollars.

For furnishings for county buildings, a sum not exceeding nine hundred dollars.

For repairs of county buildings, a sum not exceeding one thousand five hundred dollars.

For water, light and fuel, a sum not exceeding two thousand dollars.

For record books and stationery, a sum not exceeding one thousand dollars.

For indexes, a sum not exceeding one thousand dollars.

For interest on the county debt, a sum not exceeding seven thousand dollars.

For costs in criminal prosecutions, a sum not exceeding three thousand dollars.

For witness fees, a sum not exceeding three thousand dollars.

For the compensation of jurors and of the stenographer and assistant district attorney, a sum not exceeding eight thousand dollars.

For the compensation of deputy sheriffs and constables, a sum not exceeding two thousand five hundred dollars.

For the expenses of the district courts, in excess of receipts, a sum not exceeding eleven thousand dollars.

County tax,
Plymouth.

For the truant school, a sum not exceeding one thousand dollars.

For surveys, a sum not exceeding one thousand dollars.

For miscellaneous expenses, including printing, a sum not exceeding two thousand dollars.

For the reduction of the county debt, a sum not exceeding fifteen thousand dollars. *Approved May 17, 1895.*

Chap.104 RESOLVE PROVIDING FOR THE RENEWAL OF THE APPOINTMENT OF
THE STATE MILITARY AND NAVAL HISTORIAN.

Military and
naval historian.

Resolved, That the governor and council be and they are hereby authorized to renew the appointment of the state military and naval historian, at the present rate of compensation and allowances, to continue for such period, not exceeding one year, as may be necessary for the purpose of supervising the publication of his work and for the proper use of such new material as may be obtained from the war department or elsewhere during the process of publication. *Approved May 21, 1895.*

Chap.105 RESOLVE IN FAVOR OF EUGENE A. CONNER.

Eugene A.
Conner.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Eugene A. Conner of Waltham, the sum of two hundred and fifty dollars, in full compensation for injuries received by said Conner while in the discharge of his duties as an employee of the gypsy moth commission. *Approved May 21, 1895.*

Chap.106 RESOLVE RELATIVE TO THE BOUNDARY LINE BETWEEN THE COM-
MONWEALTH OF MASSACHUSETTS AND THE STATE OF NEW
HAMPSHIRE.

Boundary line
between Massa-
chusetts and
New Hamp-
shire.

Resolved, That the line agreed upon by the commissioners on the part of the state of New Hampshire and the Commonwealth of Massachusetts, by their agreement dated the eighteenth day of June in the year eighteen hundred and ninety-four and referred to in the report of said commissioners for this Commonwealth at the present session of the legislature, be assented to on the part of this Commonwealth; and that when said line as therein described shall have been run, marked by proper monuments, and a map of the same, approved by said commissioners for this Commonwealth, shall have been filed in the office of the secretary of state, said line shall be established as the

boundary line between said state and said Commonwealth from the boundary pine monument to the southwest corner of the state of New Hampshire; and that said corner, being the corner where the three states, viz.: — Vermont, Massachusetts and New Hampshire, meet at South Vernon, as agreed upon by the commissioners for this Commonwealth and the commissioners for the states of Vermont and New Hampshire by their tripartite agreement dated the twenty-sixth day of October in the year eighteen hundred and ninety-four and referred to in said report, be approved and assented to by this Commonwealth; and that said commissioners for this Commonwealth be fully empowered to carry out said agreements, and to run and map the line aforesaid and to cause the same to be marked and defined by suitable monuments, and to join the states of Vermont and New Hampshire in erecting a suitable corner monument at the locality designated in said agreement. This resolve shall take effect when said state of New Hampshire shall have agreed to establish said line and said state of Vermont shall have established said corner as her southeast corner, and information thereof shall have been furnished the governor. His excellency the governor of this Commonwealth is requested to transmit copies of this resolve to his excellency the governor of New Hampshire and to his excellency the governor of Vermont.

Boundary line
between Massa-
chusetts and
New Hamp-
shire.

Approved May 25, 1895.

RESOLVE EXTENDING THE TIME FOR THE REPORT OF THE JOINT BOARD APPOINTED TO SUBMIT PLANS FOR THE IMPROVEMENT OF THE UPPER PART OF THE CHARLES RIVER.

Chap.107

Resolved, That the time for filing the report of the joint board appointed under chapter five hundred and twenty-nine of the acts of the year eighteen hundred and ninety-four, providing for the improvement of the Charles river and its banks, is hereby extended, and said board is hereby authorized to report to the next general court.

Report on
improvement of
Charles river.
Time extended.

Approved May 25, 1895.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK.

Chap.108

Resolved, That the county commissioners for the county of Norfolk are hereby authorized to levy as the county tax of said county for the current year, in the manner pro-

County tax,
Norfolk.

County tax,
Norfolk.

vided by law, the sum of one hundred and sixty thousand dollars, to be expended for the following purposes, to wit : —

For the payment of criminal costs, a sum not exceeding twenty-seven thousand dollars.

For interest on borrowed money, a sum not exceeding seven thousand five hundred dollars.

For fees and expenses of medical examiners, a sum not exceeding eight hundred dollars.

For civil court expenses, a sum not exceeding fourteen thousand five hundred dollars.

For insane cases, a sum not exceeding one thousand two hundred dollars.

For masters and auditors, a sum not exceeding two thousand five hundred dollars.

For salaries of county officers and employees, a sum not exceeding thirteen thousand five hundred dollars.

For salaries of justices and clerks of courts, a sum not exceeding six thousand five hundred dollars.

For the support of prisoners, a sum not exceeding sixteen thousand dollars.

For the addition to the county court house, a sum not exceeding ten thousand dollars.

For repairs and furnishing of county buildings, a sum not exceeding twenty thousand dollars.

For highways and bridges, a sum not exceeding twenty thousand dollars.

For books, stationery, etc., a sum not exceeding four thousand dollars.

For making indexes, a sum not exceeding four thousand dollars.

For fuel, light and water, a sum not exceeding five thousand dollars.

For the care of the county court house, a sum not exceeding three thousand five hundred dollars.

For the support of the truant school, a sum not exceeding five thousand dollars.

For miscellaneous expenses, a sum not exceeding three thousand dollars.

For dedicating the court house and celebrating the centennial of the county, a sum not exceeding five hundred dollars.

For the payment of a note, a sum not exceeding five thousand dollars.

Approved May 25, 1895.

RESOLVE PROVIDING FOR THE PREPARATION OF A REVISED DRAFT OF THE CONSTITUTION OF THE COMMONWEALTH IN ITS PRESENT FORM. *Chap.109*

Resolved, That the secretary of the Commonwealth be instructed to prepare and report in print to the general court at its present session a revised draft of the constitution of the Commonwealth, omitting the parts thereof which have been annulled or are inoperative, and adding proper headings, marginal notes, and an index. Revised draft of constitution.

Approved May 29, 1895.

RESOLVE RELATIVE TO BRIDGES OVER CHARLES RIVER.

Resolved, That the governor in behalf of the Commonwealth memorialize congress for authority to permit bridges to be built over Charles river above the present Charles river bridge, with or without draws therein, and also a dam to be constructed in said river, as the general court may in its discretion determine. *Chap.110*
Bridges over Charles river.

Approved May 29, 1895.

RESOLVE IN FAVOR OF WILLIAM S. SHURTLEFF.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to William S. Shurtleff, judge of probate and insolvency for the county of Hampden, the sum of one hundred dollars, in full compensation for services and expenses in discharging the duties of judge of probate and insolvency for the county of Berkshire, between the twenty-first day of November and the eighth day of December in the year eighteen hundred and ninety-four. *Chap.111*
William S. Shurtleff.

Approved May 29, 1895.

RESOLVE RELATIVE TO SEWAGE DISPOSAL AND DRAINAGE IN SALEM AND PEABODY. *Chap.112*

Resolved, That the state board of health is hereby authorized and directed to consider and report a general system of drainage and sewerage for the city of Salem and town of Peabody, or for such parts of said city and town, not all of which shall be wholly within either of said municipalities, as may, in the opinion of said board, be best drained by said system. It shall be the duty of said board:—First. To designate the portions of said city and town which shall be tributary to and embraced Report on system of drainage, etc., for Salem and Peabody.

Report on system of drainage, etc., for Salem and Peabody.

in the district and system to be so reported, and to define the same by their report, with plans and maps. Second. To define and show, by suitable plans and maps, such trunk line and main branches as it shall recommend to be constructed, with outlet. Third. To consider the various methods of disposal of sewage and the application of such methods to any portion of the territory herein mentioned; and to define the methods by which said city and town, or parts of said city and town, may utilize said trunk line and main branches as an outlet of a system of sewerage and drainage for said city and town and said parts of said city and town respectively; and to show the same by plans and maps. Fourth. To employ such engineering and other assistance as may be necessary for carrying out the objects of this resolve, and to cause such surveys and levels to be made as will enable said board to determine with accuracy the location and grades of said trunk line and main branches, and also such surveys and levels in said city and town, and parts of said city and town, as will enable said board to determine with accuracy the methods by which said city and town, and parts of said city and town, may respectively utilize said trunk line and main branches, and to report such methods by plans showing the main lines by which each may so provide for itself a system of sewerage and drainage with its outlet into said trunk line or main branches. Fifth. To define the size and capacity of said trunk line and main branches, and the materials of which they should be constructed and manner of construction, and such other particulars as will enable said board to determine the probable expense thereof; and to ascertain and report the cost of the construction of said trunk line and main branches and outlet, and to report a recommendation as to the methods of apportioning said cost. All expenses incurred by said board under the provisions of this resolve shall be reported to the governor and council, and all such expenses when approved by them shall be paid out of the treasury of the Commonwealth; but the total expenditure shall not exceed three thousand dollars. The Commonwealth shall be reimbursed for such expenditure under this resolve as shall have been approved by the governor and council in the following manner:—The town of Peabody and the city of Salem shall each pay such proportion of the above expenditure as the said board shall

deem to be equitable, and the amounts so to be paid by each shall be assessed and collected by the treasurer of the Commonwealth at the time required for the payment of the state tax of said town and said city respectively. Said board shall make all reports required by this resolve to the general court on or before the first Wednesday of January in the year eighteen hundred and ninety-six.

Approved May 29, 1895.

RESOLVE RELATIVE TO THE PARTICIPATION OF THE COMMONWEALTH IN THE COTTON STATES AND INTERNATIONAL EXPOSITION TO BE HELD IN ATLANTA IN THE STATE OF GEORGIA.

Chap. 113

Resolved, That for the purpose of exhibiting the resources, products and general development of the Commonwealth, at the cotton states and international exposition to be held in Atlanta in the state of Georgia from the eighteenth day of September to the thirty-first day of December in the year eighteen hundred and ninety-five, a board of managers of Massachusetts, consisting of five residents of the Commonwealth, of whom three shall be men and two women, shall be appointed by the governor by and with the consent of the council. Said managers shall have charge of the interests of the Commonwealth and its citizens in the preparation and exhibition at said exposition of the natural and industrial products of the Commonwealth, and of her textile fabrics and various manufactures. They shall communicate with the officers of said exposition and obtain and disseminate through the Commonwealth all necessary information regarding the same; and in general shall have and exercise full authority in relation to the participation of the Commonwealth and its citizens in said exposition. Said managers, with the approval of the governor, may appoint delegates, not more than ten in number, whose expenses incurred in carrying out the provisions of this resolve shall be defrayed by the Commonwealth. To carry out the provisions of this resolve a sum not exceeding twenty-five thousand dollars may be expended under the direction of the governor and council.

Exposition at Atlanta, Georgia, board of managers, appointment, etc.

Approved June 1, 1895.

RESOLVE RELATIVE TO THE DEDICATION OF THE NATIONAL MILITARY PARK ON THE BATTLEFIELDS OF CHICKAMAUGA AND CHATTANOOGA.

Chap. 114

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten

Dedication of national military park.

Dedication of
national
military park.

thousand dollars, to be expended under the direction of the governor and council, to enable the Commonwealth to be properly represented at the dedication ceremonies to be held at Chickamauga in the state of Georgia, and Chattanooga in the state of Tennessee, in the month of September in the year eighteen hundred and ninety-five, through the following officials:—His excellency the governor and eight members of his staff, the lieutenant governor and four members of the executive council, the secretary of the Commonwealth, the treasurer and receiver general, the auditor of accounts, the attorney-general, the president of the senate, the speaker of the house, the joint committee on military affairs, a special committee of nine members of the senate and twenty-two members of the house, to be appointed by the presiding officers of the two branches, respectively, the clerk of the senate, the clerk of the house, the sergeant-at-arms, and a delegation of three members each, from the second and thirty-third regiments of Massachusetts volunteers who were present in the battles of Chickamauga and Chattanooga. Any vacancies occurring in said joint committee on military affairs or joint special committee may be filled by the presiding officer of the branch in the representation of which such vacancies occur.

Approved June 4, 1895.

Chap.115

James N.
Tolman.

RESOLVE IN FAVOR OF JAMES N. TOLMAN.

Resolved, That in recognition of the long and faithful service of James N. Tolman, a messenger in the sergeant-at-arms' department, who has been employed therein as watchman, sergeant-at-arms' messenger and in charge of the legislative document room for nearly fifty years, and is now afflicted with a disease which incapacitates him from further service, the sergeant-at-arms be allowed to continue the said James N. Tolman on his pay roll for the term of one year from the date of the passage of this resolve, which sum shall be paid out of the treasury of the Commonwealth to the said James N. Tolman monthly, and, in case of his death, the same sum per month shall be paid to his widow to the end of the year provided for by this resolve.

Approved June 4, 1895.

Chap.116

RESOLVE TO CONFIRM THE ACTS OF GEORGE C. ABBOTT AS A JUSTICE OF THE PEACE.

George C.
Abbott, justice
of the peace,
acts confirmed.

Resolved, That all the acts done by George C. Abbott of Melrose as a justice of the peace, between the twelfth

day of August in the year eighteen hundred and ninety-four and the fourth day of May in the year eighteen hundred and ninety-five, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved June 4, 1895.

RESOLVE IN FAVOR OF THE WIDOW OF HENRY Y. SIMPSON, AND OF
THE WIDOW OF JOSEPH L. SHIPLEY.

Chap.117

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the widow of Henry Y. Simpson and to the widow of Joseph L. Shipley, the salary and compensation for travel to which said Henry Y. Simpson and Joseph L. Shipley would have been entitled as members of the house of representatives had they lived to the end of the present session.

Widows of
Henry Y.
Simpson and
Joseph L.
Shipley.

Approved June 4, 1895.

RESOLVE RELATIVE TO THE ARMORY OF THE MASSACHUSETTS VOL-
UNTEER MILITIA IN THE CITY OF SPRINGFIELD.

Chap.118

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand five hundred dollars, for the purpose of furnishing the armory now in process of erection in the city of Springfield.

Armory at
Springfield.

Approved June 5, 1895.

RESOLVE IN FAVOR OF THE DAUGHTER OF THE LATE FRANK S.
BENNETT.

Chap.119

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Marion Bennett, daughter of the late Frank S. Bennett, the salary and compensation for travel to which said Frank S. Bennett would have been entitled had he lived to the end of the present session.

Daughter of
Frank S.
Bennett.

Approved June 5, 1895.

RESOLVE IN FAVOR OF THE WIDOW OF GILBERT COOKE.

Chap.120

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Gilbert Cooke, late a member of the house of representatives from the fourteenth Worcester district, the sum of seven hundred and fifty dollars, being the compensation to which the said Gilbert Cooke would have been entitled had he lived until the close of the present session of the general court.

Widow of
Gilbert Cooke.

Approved June 5, 1895.

Chap.121 RESOLVE RELATIVE TO COMPLETING THE INDEX OF THE WAR RECORDS AND PREPARING A NEW DRAFT OF THE RECORD BOOKS IN THE OFFICE OF THE ADJUTANT AND INSPECTOR GENERAL.

Index to war records, etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifteen hundred dollars, to be expended under the direction of the adjutant and inspector general for the purpose of completing the index of the war records and re-writing the record books for permanent preservation. *Approved June 5, 1895.*

Chap.122

Martin Wesson.

RESOLVE IN FAVOR OF MARTIN WESSON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Martin Wesson the sum of two thousand and eighty-eight dollars and five cents, in full compensation for loss occasioned to him by reason of the burning of the state work house at Bridgewater on or about the seventh day of July in the year eighteen hundred and eighty-three. *Approved June 5, 1895.*

Chap.123 RESOLVE IN FAVOR OF CERTAIN VETERANS OF THE TOWN OF STONEHAM.

Certain veterans of town of Stoneham.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars each, to the following named persons, or to the heirs or legal representatives of such of them as may have died: said persons being veterans who served in the United States army in the war of the rebellion to the credit of the town of Stoneham, and who have never received a bounty for said service, to wit:—Albert O. Emerson, twenty-second Massachusetts volunteers; Henry Dike, sixth Massachusetts volunteer militia and first company sharpshooters, Massachusetts volunteers; James H. Eastman, United States navy; Morris Meade, sixth Massachusetts volunteer militia and eleventh United States regiment; William H. Young, sixth Massachusetts volunteer militia and third Massachusetts cavalry; Samuel C. Whitney, thirteenth Massachusetts volunteers; Charles E. Horne, thirteenth Massachusetts volunteers; John Best, thirteenth Massachusetts volunteers; Calvern H. Conant, thirteenth Massachusetts volunteers; John F. Berry, thirteenth Massachusetts volunteers; Orin C. Eastman, thirteenth Massachusetts volunteers; Orator Gould, thirteenth

Massachusetts volunteers; Luther Martin, thirteenth Massachusetts volunteers; John W. Spencer, thirteenth Massachusetts volunteers; Charles A. Whittier, thirteenth Massachusetts volunteers; George E. Whitehouse, thirteenth Massachusetts volunteers; John Lahey, Junior, thirteenth Massachusetts volunteers and first regiment heavy artillery, Massachusetts volunteers; James Courtney, twenty-second Massachusetts volunteers; Hiram H. Lufler, thirteenth Massachusetts volunteers; Orin A. Green, second company sharpshooters Massachusetts volunteers; Stephen H. Green, second company sharpshooters Massachusetts volunteers; Joshua G. Green, second company sharpshooters Massachusetts volunteers; Charles G. Swett, second company sharpshooters Massachusetts volunteers; Erastus A. Durgin, second company sharpshooters Massachusetts volunteers; James Lincoln, third regiment heavy artillery Massachusetts volunteers; Leonard E. Sweetser, third regiment heavy artillery Massachusetts volunteers; Moses G. Dodge, third regiment heavy artillery Massachusetts volunteers; George F. Shaw, third regiment heavy artillery Massachusetts volunteers; Peter Finn, third regiment heavy artillery Massachusetts volunteers; Frank Murphy, third regiment heavy artillery Massachusetts volunteers; William Robbins, third regiment heavy artillery Massachusetts volunteers; Alphonso B. Pierce, third regiment heavy artillery Massachusetts volunteers; John L. Hovey, third regiment heavy artillery Massachusetts volunteers; Charles E. Stevens, third regiment heavy artillery Massachusetts volunteers; John Sheridan, third regiment heavy artillery Massachusetts volunteers; John Howard, third regiment heavy artillery Massachusetts volunteers; George P. Stevens, third regiment heavy artillery Massachusetts volunteers; Sidney L. Colley, thirty-third Massachusetts volunteers; and Archulus Welch, thirty-third Massachusetts volunteers. The money appropriated by this resolve shall be paid only to the beneficiaries named therein, or to their executors or administrators.

Approved June 5, 1895.

Certain veterans
of town of
Stoneham.

RESOLVE IN FAVOR OF CERTAIN VETERANS OF THE TOWN OF EAST BRIDGEWATER.

Chap. 124

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars each to Charles Drake, Horace A.

Certain veterans
of town of East
Bridgewater.

Ripley, Benjamin F. Bowman and Charles F. Bowman; said persons being veterans who served in the United States army or navy in the war of the rebellion to the credit of the town of East Bridgewater, and who never received a bounty for said service. The money appropriated by this resolve shall be paid only to the beneficiaries named therein or to their executors or administrators.

Approved June 5, 1895.

Chap. 125 RESOLVE IN FAVOR OF CERTAIN VETERANS OF THE TOWN OF SCITUATE.

Certain veterans
of town of
Scituate.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the following named persons the sums placed after their names respectively; said persons being veterans or heirs or legal representatives of veterans who served in the United States army in the war of the rebellion to the credit of the town of Scituate, and who never received a bounty for said service, to wit:—Hosea D. Nott, one hundred and fifty-six dollars and sixty-six cents; Joseph O. Marsh, three hundred and thirty dollars; George L. Newcomb, administrator of the estate of John B. Newcomb, two hundred dollars; Charles H. Nott, three hundred and thirty dollars; Asahel F. Nott, two hundred and twenty-five dollars; William G. Litchfield, two hundred and fifty-nine dollars; W. O. Merritt, three hundred and forty-five dollars; C. W. Clapp, one hundred and one dollars and fifty cents; O. F. Hayes, three hundred and thirty dollars; C. F. Sylvester, three hundred and thirty dollars; Amelia M. Young, administratrix of Charles D. Young, four hundred and ninety-five dollars; William Litchfield, three hundred and thirty dollars; Galen Litchfield, one hundred and seventy dollars; Galen W. Litchfield, three hundred and thirty dollars; Amelia W. Sylvester, administratrix of Edmund H. Sylvester, four hundred and ninety-five dollars; Sevena C. James, executor of Edmund James, four hundred and ninety-five dollars; George Hodgdon, three hundred and thirty dollars; John Welsh, three hundred and thirty dollars; Francis H. Litchfield, three hundred and thirty dollars; William A. Cook, three hundred and thirty dollars; Nelson V. Hutchinson, three hundred and thirty dollars. The money appropriated by this resolve shall be paid only to the beneficiaries named therein or to their executors or administrators.

Approved June 5, 1895.

RESOLVE IN FAVOR OF CERTAIN VETERANS OF THE TOWN OF NORTH
BRIDGEWATER, NOW THE CITY OF BROCKTON.

Chap.126

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred dollars each to Walter L. French and Samuel J. Wade, or their heirs or legal representatives; said persons being veterans who served in the United States navy in the war of the rebellion, to the credit of the town of North Bridgewater, and who never received a bounty for said service. The money appropriated by this resolve shall be paid only to the beneficiaries named therein or to their executors or administrators.

Certain veterans
of town of North
Bridgewater.

Approved June 5, 1895.

RESOLVE RELATIVE TO THE FISH HATCHING STATION AT PLYMOUTH,
IN THE STATE OF NEW HAMPSHIRE, NOW USED AND MANAGED
BY SAID STATE AND THIS COMMONWEALTH IN COMMON.

Chap.127

Resolved, That the governor and council are hereby authorized and empowered to arrange with the authorities of the state of New Hampshire for ending the joint tenancy of the fish hatching station at Plymouth, in said state, now used and managed by the state of New Hampshire and this Commonwealth in common, and may purchase or dispose of the same as they may deem best for the interests of this Commonwealth.

Fish hatching
station at
Plymouth,
N. H.

Approved June 5, 1895.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

Proposed
amendment to
constitution.

The following proposed articles of amendment to the Constitution have been officially certified and deposited in the office of the secretary of the Commonwealth, as required by section 32 of chapter 2 of the Public Statutes, and if agreed to by the general court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection:—

RESOLVES PROVIDING FOR AMENDMENTS TO THE CONSTITUTION
ESTABLISHING BIENNIAL ELECTIONS OF STATE OFFICERS AND
MEMBERS OF THE GENERAL COURT.

Resolved, That it is expedient to alter the Constitution of this Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen; and that the said article be published, to the end that, if agreed to in the manner provided by the Constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

ARTICLE OF AMENDMENT.

Biennial elec-
tions of state
officers and
members of the
general court.

The governor, and lieutenant governor, and councillors, shall hold their respective offices for two years next following the first Wednesday in the January succeeding their election, and until others are chosen and qualified in their stead.

The first election to which this article shall apply shall be that held on the Tuesday next after the first Monday in November in the year eighteen hundred and ninety-eight; and thereafter elections for the choice of all the officers before mentioned shall be held biennially on the Tuesday next after the first Monday in November.

All the provisions of the Constitution inconsistent with the provisions herein contained are hereby annulled.

Biennial elections of state officers and members of the general court.

The secretary, treasurer and receiver general, auditor, and attorney-general, shall hold their respective offices for two years, beginning with the third Wednesday in the January succeeding their election, and until others are chosen and qualified in their stead.

A person shall be eligible as treasurer and receiver general for three successive terms, and no more.

The first election to which this article shall apply shall be that held on the Tuesday next after the first Monday in November in the year eighteen hundred and ninety-eight; and thereafter elections for the choice of all the officers before mentioned shall be held biennially on the Tuesday next after the first Monday in November.

All the provisions of the Constitution inconsistent with the provisions herein contained are hereby annulled.

Resolved, That it is expedient to alter the Constitution of this Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen; and that the said article be published, to the end that, if agreed to in the manner provided by the Constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

ARTICLE OF AMENDMENT.

Senators and representatives shall hold their respective offices for terms of two years, beginning with the first Wednesday in the January succeeding their election.

The first election to which this article shall apply shall be that held on the Tuesday next after the first Monday in November in the year eighteen hundred and ninety-eight; and thereafter elections for the choice of senators and representatives shall be held biennially on the Tuesday next after the first Monday in November.

The general court shall assemble every year on the first Wednesday in January; and each general court shall,

Biennial elections of state officers and members of the general court.

without any proclamation or other act of the governor, be finally dissolved on the day preceding the day appointed for the first assembling of the next elected general court.

All the provisions of the Constitution inconsistent with the provisions herein contained are hereby annulled.

SENATE, March 8, 1895.

The foregoing articles of amendment have been agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same are referred to the general court next to be chosen.

WILLIAM M. BUTLER, *President*.

HOUSE OF REPRESENTATIVES, March 12, 1895.

The foregoing articles of amendment have been agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same are referred in concurrence to the general court next to be chosen.

G. v. L. MEYER, *Speaker*.

RESOLUTIONS.

RESOLUTIONS ON THE DEATH OF HON. OLIVER SHAW.

Whereas, The senate has learned with deep sorrow of the death of Hon. Oliver Shaw, the senator elect from the second Middlesex district; and

On the death of
Hon. Oliver
Shaw.

Whereas, His strict integrity in all matters of business, his constancy and fidelity to the important public and private trusts committed to his charge, and the warm and earnest friendship which he enjoyed in the community where he so long resided and to whose welfare and prosperity he so greatly contributed are well known to us, and we sincerely regret that we were not allowed to enjoy the benefit and influence of his association with us.

Resolved, That we extend to the family of the deceased our deep sympathy and condolence in their bereavement; and

Resolved, That the clerk of the senate be directed to transmit a copy of these resolutions to the family of the deceased.

In Senate, adopted, January 2, 1895.

RESOLUTIONS ON THE DEATH OF HENRY Y. SIMPSON.

Resolved, That the house of representatives has suffered an irreparable loss in the death of the member elect from the twenty-first Worcester district — Dr. Henry Y. Simpson, who departed this life December 31st, two days prior to the convening of this house.

On the death of
Henry Y.
Simpson.

Resolved, That his honored career as a member of the house of representatives in the years 1893-94 distinguished him as an able, upright and conscientious legislator and a genial and courteous gentleman, fearless in the discharge of duty.

Resolved, That we hereby desire to express our sorrow, and as a token of our sympathy direct that an engrossed

copy of these resolutions be forwarded to the bereaved family of the deceased.

In House of Representatives, adopted, January 10, 1895.

RESOLUTION RELATIVE TO THE DRY DOCK AT CHARLESTOWN NAVY YARD.

Dry dock at
Charlestown
navy yard.

Whereas, There is an immediate need of a dry dock at Boston which shall be of sufficient length, width and depth to receive the battleship Massachusetts and sea going merchant steamers now being built for traffic with said port:

Resolved, That the senators and representatives in congress from this Commonwealth are requested to use their influence to secure the passage of legislation providing for the building of a new dry dock or the enlargement of the present dry dock at the Charlestown navy yard, for accommodation of the warships of the United States navy and the larger merchant vessels entering the port of Boston.

Resolved, That the president of the senate and the speaker of the house of representatives of this Commonwealth be instructed to present or forward these resolutions to congress.

In House of Representatives, adopted, January 31, 1895.

In Senate, adopted in concurrence, February 6, 1895.

RESOLUTIONS UPON THE DEATH OF GILBERT COOKE.

On the death of
Gilbert Cooke.

Whereas, The All Wise Father of us all has again visited the house of representatives and taken from our midst our beloved and honored member, Gilbert Cooke, from the fourteenth Worcester representative district.

Resolved, That while in the demise of this esteemed member we recognize and bow in submission to the Divine will, we fully realize the loss this house of representatives has sustained in his death.

Resolved, That his honored and valiant four years' service for his country in its time of war and peril, and his career as a member of this house have shown him to be a brave soldier and a conscientious and wise legislator.

Resolved, That these sterling qualities have won our admiration and respect and we sincerely mourn his loss

and heartily sympathize with the bereaved family of our late fellow member.

Resolved, That an engrossed copy of these resolutions be sent to the family of the deceased.

In House of Representatives, adopted, February 25, 1895.

RESOLUTION CONCERNING PORTRAITS OF FORMER GOVERNORS OF
THE COMMONWEALTH.

Resolved, That the thanks of the Commonwealth be tendered to A. G. Bullock of Worcester, on behalf of himself and of his late mother, Elvira Hazard Bullock, for their gift to the Commonwealth of a portrait of Governor Alexander H. Bullock. To John F. Andrew of Boston for his gift to the Commonwealth of a portrait of Governor John A. Andrew. To Walter Gilman Page for his gift to the Commonwealth of portraits of Governors John Hancock and Samuel Adams. And to Henry J. Gardner for his gift to the Commonwealth of a portrait of Governor Henry J. Gardner, of which mention has been made in a resolution adopted in the year eighteen hundred and ninety-three. And that said portraits, with other portraits of former governors which may hereafter be received, be hung in such places in the state house as the governor may direct.

Portraits of
former gov-
ernors.

In House of Representatives, adopted, March 1, 1895.

In Senate, adopted in concurrence, March 6, 1895.

RESOLUTIONS ON THE DEATH OF FREDERICK DOUGLASS.

Whereas, The senate and house of representatives of the Commonwealth of Massachusetts in general court assembled, have learned with profound sorrow and regret of the sudden death of Honorable Frederick Douglass, ex-United States marshal at Washington and ex-minister to Hayti, who, while not a native of Massachusetts, was a product of her training.

On the death of
Hon. Frederick
Douglass.

Resolved, That this legislature attests its great appreciation of his marked ability which was shown in his rise from the low estate of his birth to the height of one of the nation's counsellors, his upright character and his lifelong, consecrated efforts to raise the race he was identified with to the highest pinnacle of American citizenship.

Resolved, That the senate and house of representatives tender to the bereaved family their sincere sympathy and that a copy of these resolutions suitably engrossed and properly attested be forwarded by the secretary of the Commonwealth to the family of the deceased.

In House of Representatives, adopted, March 1, 1895.

In Senate, adopted in concurrence, March 6, 1895.

RESOLUTIONS RELATIVE TO NATIONAL LEGISLATION FOR THE SUPPRESSION OF THE LOTTERY TRAFFIC.

National legislation for suppression of the lottery traffic.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts in general court assembled, respectfully urge upon congress the enactment of legislation which will prevent, so far as possible, the introduction of lottery matter into the United States from foreign countries, and its transportation from state to state.

Resolved, That copies of these resolutions properly attested, be transmitted by the secretary of the Commonwealth to the presiding officers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In Senate, adopted, March 1, 1895.

In House of Representatives, adopted in concurrence, March 6, 1895.

RESOLUTIONS IN FAVOR OF UNIFORM HOURS OF LABOR THROUGHOUT THE UNITED STATES.

Uniform hours of labor throughout the United States.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, believing that the public interest and the interests of capital and labor alike will be best subserved by uniform hours of labor throughout the several states, respectfully request the senators and representatives in congress from this Commonwealth to use their influence to secure legislation to that end.

Resolved, That the Massachusetts commission for the promotion of uniformity of legislation in the United States be requested to bring this subject to the attention of like commissions of other states of the Union and ask their co-operation.

Resolved, That properly attested copies of these resolutions be forwarded to the senators and representatives in congress, and to the Massachusetts commission for the promotion of uniformity of legislation in the United States.

In House of Representatives, adopted, March 13, 1895.

In Senate, adopted in concurrence, March 18, 1895.

RESOLUTIONS RELATIVE TO MASSACHUSETTS' CLAIMS AGAINST THE UNITED STATES FOR THE REMOVAL OF WRECKS IN TIDE WATERS.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, request the members of congress from this Commonwealth to use their best efforts to procure from the general government an appropriation to reimburse the Commonwealth for removing wrecks from navigable channels in tide waters in cases where the necessary delay on the part of the United States authorities incident to fulfilling the requirements of the acts of congress in such case made and provided have made it necessary for the Commonwealth to act in order to avoid the impairment of freedom of navigation for an unnecessary length of time, and also to amend existing acts of congress, to the end that the United States authorities may be able to remove wrecks in navigable channels of tide waters forthwith upon their discovery.

Removal of wrecks in tide waters.

Resolved, That a copy of these resolutions properly attested be transmitted by the secretary of the Commonwealth to each of our senators and representatives in congress.

In House of Representatives, adopted, March 21, 1895.

In Senate, adopted in concurrence, March 26, 1895.

RESOLUTIONS ON THE DEATH OF FRANK S. BENNETT.

Whereas, The house of representatives is deeply grieved by the death of its late member, Frank S. Bennett of Tyngsborough, and desires to give expression to its appreciation of his high character and true worth as a citizen and public official; therefore be it

On the death of Frank S. Bennett.

Resolved, That by his death the house loses a valuable and efficient member who during the two years of his public service has faithfully and ably acquitted himself of his duties toward the Commonwealth and his constituents and has endeared himself personally to all who have come in contact with him.

Resolved, That a copy of these resolutions, suitably engrossed and framed be forwarded to the family of the deceased, as an expression of the high regard of the members of this house for their late associate, and of their profound sympathy for his family in their bereavement.

In House of Representatives, adopted, April 23, 1895.

RESOLUTIONS ON THE DEATH OF THE HONORABLE WILLIAM COGSWELL.

On the death of
Hon. William
Cogswell.

Resolved, That the legislature of the Commonwealth of Massachusetts receives with profound sorrow and regret the sad intelligence communicated by his excellency the governor of the death in Washington of the Honorable William Cogswell, representative in the national congress for the sixth Massachusetts district.

Resolved, That in the loss of General Cogswell, Massachusetts and the nation have lost one worthy of every token of honor and respect; one whose life was literally spent in the service of his country. As a soldier he manifested a loyal and patriotic devotion to his country by raising the first volunteer company for the late war, and his able, efficient and continuous service throughout the entire conflict resulted in a deserved promotion on the field to the rank of brigadier general. As a statesman he reflected great credit upon city, state and nation and was excelled by none in diligent and effective public service and in faithful and fearless performance of public duty. He possessed unsurpassed sagacity and steadiness of purpose, energy and wisdom, and a marvelous strength of character. General Cogswell departed this life having won to a marked degree the confidence, admiration and affection of his constituents and of all who were privileged to have any relations with him, together with the esteem of his associates in congress. Having devoted his life to duty, death found him crowned with the highest honors his district could bestow, with a national renown, and possessing the deepest regard of all people.

Resolved, That in this tribute to General William Cogswell the Commonwealth honors the memory of an eminent citizen, a brave soldier and an able statesman.

In House of Representatives, adopted, May 28, 1895.

In Senate, adopted in concurrence, May 31, 1895.

RESOLUTIONS ON THE DEATH OF REPRESENTATIVE W. H. BURGES OF KINGSTON.

Resolved, That the house learns with profound sorrow of the death of Representative W. H. Burges of Kingston, late a member of this house from the second Plymouth district. On the death of
W. H. Burges.

Resolved, That in the death of Representative Burges the Commonwealth has sustained a serious loss, Mr. Burges being held in high esteem for his geniality and courtesy, and respected for his vigor and manliness of character and for his wisdom and sagacity as a legislator.

Resolved, That the clerk be directed to enter these resolutions upon the records of this house and to transmit a copy thereof, properly engrossed, to the family of the deceased.

In House of Representatives, adopted, June 5, 1895.

The general court of 1895, during its annual session, passed 504 acts and 127 resolves which received the approval of his excellency the governor. In addition to these, two acts (chapters 109 and 435) were laid before the governor and failed to receive his approval, but as they were not returned by him with his objections thereto within five days after receiving the same, the general court not having adjourned in the mean time, said acts have the force of a law, under the provisions of the Constitution governing such cases, and have been so certified.

Three acts, entitled respectively, "An Act to remove the restrictions upon shad and alewife fishing in the Merrimac river", (chapter 88) "An Act to establish the salary of the clerk of the police court of Brockton", (chapter 500) and "An Act relative to the preference of veterans for employment in the public service", (chapter 501), were passed and laid before the governor for his approval, and were returned by him with his objections thereto to the branch in which they respectively originated; were reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were passed, two thirds of the members of the senate and house of representatives present and voting thereon having voted in the affirmative.

Thirteen acts, entitled respectively, "An Act to establish the salary of the clerk of the board of police for the city of Boston", "An Act to establish the salary of the first clerk of the secretary of the state board of agriculture", "An Act to establish the salary of the executive stenographer in the office of the governor of the Commonwealth", "An Act to establish the salary of the judge of probate and insolvency for the county of Berkshire", "An Act to establish the salary of the clerk of the courts for the county of Plymouth", "An Act to establish the salary of the second clerk in the office of the chief of the district police", "An Act to establish the salary of the superintendent of the Massachusetts reformatory", "An Act to place the control of the police force of the city of Holyoke under the license commission of said city, and to change the name of said commission", "An Act to establish a board of police for the city of Woburn", "An Act to establish the salary of the justice of the second district court of eastern Middlesex", "An Act to establish the salary of the district attorney for the southeastern district", "An Act to establish the salary of the insurance commissioner", and "An Act to establish the salary of the clerk of the municipal court of the Brighton district of the city of Boston", were passed and laid before the governor for his approval, and were returned by him with his objections thereto to the branch in which they respectively originated; were reconsidered, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were rejected, two thirds of the members present and voting thereon not having voted in the affirmative.

In addition to the foregoing, two acts, entitled respectively, "An Act to establish the salaries of the justice and clerk of the police court of Fitchburg", and "An Act to establish the salaries of the justice and clerk of the police court of Somerville", were passed and laid before the governor on the fourth day of June, were not approved by him and did not become laws as the general court was prorogued within five days thereafter.

The general court was prorogued on Wednesday, June 5, at 7.22 P.M., the session having occupied 155 days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY FREDERIC T. GREENHALGE.

At twelve o'clock on Thursday, the third day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, attended by a joint committee of the two houses, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

Gentlemen of the senate and the house of representatives:

I congratulate the people of the Commonwealth upon the improvement in business conditions, and in the general welfare, manifest within a few months past. It seems to be clear that the worst is over, even if the best has not yet been fully restored.

The many trials and the hard conditions prevailing during the greater part of the past year have been borne with a courage, endurance and patience worthy of the best traditions of the Commonwealth. Above all, even in the darkest hour of tribulation, a fervent and changeless loyalty to the Commonwealth and to the country, a deep and abiding confidence in the principle and framework of our free government, were almost universally manifested. The appeals of demagogues, the efforts of designing agitators eager to sow discontent, were met by the people in a spirit of cold incredulity or good-natured contempt. Such a manifestation on the part of the people strengthens and increases our confidence in popular government.

THE BALLOT.

The preservation of the purity of the ballot is of the greatest importance. A crime against the ballot is a crime against the majesty of the Commonwealth, — against the sovereignty of the people.

The laws now upon the statute book can be still further improved by the correction of defects made evident by practical experience, notably in the provisions relating to caucuses, and also in the direction of simplicity and convenience to the highest degree compatible with the security of the individual citizen's rights and the rights of the minority.

The right of a minority party or of an individual to a place upon the official ballot should be limited only by sound and liberal practical considerations, and by an intelligent and judicious economy.

No honest man, no honest party, would desire success at the polls by means of a statutory or technical device which prevented a fair and full expression of the will of the whole people.

TAXATION.

The subject of taxation, generally one of profound interest to every citizen, is just now claiming the public attention with even more than ordinary urgency. It is alleged that many inequalities and defects are to be found in the system of taxation as it now exists in this Commonwealth. To tax and to please is a consummation never yet vouchsafed to men; yet to establish a system of taxation in which shall be represented the maximum of justice and equality with the minimum of partiality and oppression is a legitimate and rational object of legislative ambition; and I trust that the matter may receive at your hands the just consideration which its importance demands.

The state tax for 1894 was \$2,000,000. With every incentive to economy furnished by the hard times and the business depression, large expenditures were demanded by the necessity of supporting or assisting the increased number of the poor and unemployed.

EDUCATION, ETC.

During the year education and charity have experienced the fostering care of the legislature. The recommendation

in the message of last year for more normal schools was met by an act making a liberal and even generous provision in this regard, — an act being passed providing for four normal schools. The teaching of the teacher, in the opinion of the legislature, was an important factor in any great scheme of education. But I do not believe that the board of education ever desired to be charged with the duty of building these or any other normal schools. The board consider that their proper work is the management of the schools when built; and they consider it much more important to furnish the existing normal schools with adequate provision than to build new schools without such provision. Again, the salaries of teachers in these schools are below the level established in many of the cities and towns of the Commonwealth. The laboratories in these schools should be suitably equipped; the libraries must be kept up to a high standard; and if new structures are to be built, let the appropriations be sufficient for a few rather than insufficient for many buildings. A wise liberality is often the wisest economy.

The most important feature of the educational work for the past year has been the laying of additional foundations for securing the adequate preparation of teachers for their work.

The law requiring towns that do not maintain high schools to pay the tuition of their properly qualified children in the high schools of other towns that will receive them has been strengthened, so that free high school tuition has been made the legal and easily enforced right of every properly qualified child in the Commonwealth.

The educational museum, of which the Massachusetts educational exhibit at the Columbian exposition is to be the basis, has been assigned rooms in the state house extension, and will be ready for teachers and the public in a few months.

The four new normal schools authorized by the last legislature will greatly increase the facilities for the professional training of teachers. Sites have been selected for them all; arrangements have been made with the towns where they are located for suitable model and practice schools, and the work of erecting the buildings will soon be entered upon.

A plan for the state examination and certification of teachers, as required by an act of the last legislature, has

been adopted by the board of education. Although this plan is permissive, it is expected to contribute much towards improving the preparation of teachers and bringing the work of the teacher nearer in practice to what it is in theory, — a true profession.

The school fund has been increased during the year by \$100,000, and now amounts to \$3,775,548.14.

Secretary Hill of the board of education says: "If the state should make further demands upon the smaller towns for the improvement of their schools through the employment of better qualified teachers, at increased expense, it may well accompany these demands with corresponding aid."

Upon the whole, it seems clear that the interests of education will not be neglected or mismanaged in this Commonwealth.

INSTITUTIONS.

The institutions of the Commonwealth are generally in a satisfactory condition. The hospital for the insane at Westborough and the hospital for dipsomaniacs at Foxborough are perhaps exceptions. But improvement is already apparent at Westborough; and it must be remembered that the institution at Foxborough was avowedly and distinctly undertaken as an experiment, and that sufficient time has not elapsed for the fair trial of that experiment; moreover, much of the complaint against the institution arises from the widespread misunderstanding of its character, partaking of the nature of a prison to some extent as well as of a hospital.

TEMPERANCE.

I believe that any reflecting mind will be satisfied that the cause of temperance, together with other attributes of good government, has been advancing recently all along the line, in city and town, in methods and results, and, above all, in public opinion. Energetic action under existing laws may produce quite as satisfactory gains as feverish efforts to secure new legislation.

The license vote in 1894 in this Commonwealth was as follows: 55 towns voted "Yes", 265 towns voted "No", 3 towns were tied, viz., Monterey, Mount Washington, Georgetown; 19 cities voted "Yes", 11 cities voted "No"; 19 towns changed "No" to "Yes", 20 towns

changed "Yes" to "No", 284 towns unchanged; 3 cities changed "No" to "Yes", viz., Pittsfield, Lynn and Salem; 2 cities changed "Yes" to "No", viz., Haverhill and Medford.

It will be observed that public sentiment in Monterey, Mount Washington and Georgetown is evenly divided; but that there has been a well-sustained advance in temperance sentiment there can be no doubt.

COMMISSIONS, BOARDS, ETC.

I may say generally that the administrative boards and commissions have been active, industrious and faithful. I am confirmed in the opinion, previously expressed, that the office of commissioner of foreign mortgage corporations should be abolished and the work of that office placed under the control of the commissioner of corporations. Unity in the principle of administration, simplicity of system, are to be preferred to the loose, slovenly method of creating an executive board or office which seems to be an unconnected and unrelated part of the body politic. Upon the same principle, the trustees of the state primary and reform schools should have more if not complete control of the children in the several institutions managed by them, subject, of course, to the general supervision of the board of lunacy and charity. The board of health, besides its regular functions, has been engaged in working out important projects calculated to produce great benefit to the public, notably the Charles river dam, about which, however, a diversity of opinion exists, and the obtaining from the Nashua river an abundant water supply for a large portion of the state. The harbor and land commission is prosecuting with vigor the filling in of the flats owned by the Commonwealth on or near the water front in Boston, and may soon be called upon to further develop and improve the capacity and convenience of the harbor. The metropolitan park system, comprising the reservations of the Middlesex Fells, Blue Hills, Stony Brook and Beaver Brook, about 6,070 acres in all, is progressing as rapidly as is compatible with wise and economical management.

One million dollars was originally appropriated, \$900,000 for the purchase of lands, \$100,000 for labor and other expenses, which sums have now been nearly ex-

pended. A further sum of \$500,000 was appropriated for boulevards, which has not yet been expended. The commissioners have intimated that the task of constructing these boulevards outside the reservation should be committed to some other department, and the suggestion merits your careful consideration.

HIGHWAY COMMISSION.

The work of the highway commission is important, and I commend the report of the commission to your most diligent examination. The people have responded quickly and cordially to the suggestion that good roads mean business, comfort, convenience and economy. One hundred and six petitions for highways, under the law of 1894 and previous enactments, have been presented, covering five hundred miles of road. Work has been commenced on fifty miles of road, in thirty different cities and towns. The hearings given by the board in every county have been largely attended. A great expenditure may seem to be required, the cost of construction running from \$2,500 to \$10,000 a mile, but your wisdom must determine the appropriations necessary and proper for this great and beneficent work. I merely suggest that the more ponderous and expensive machinery of road making, as steam rollers, stone crushers, etc., be owned by the Commonwealth, and let to the towns on reasonable terms as occasion requires.

CATTLE COMMISSION AND TUBERCULOSIS.

The vast importance of the work now undertaken under the law of 1894 by the cattle commission cannot be overrated. A great crisis confronts us. It is not confined to the Commonwealth,—it is a problem which demands solution from the civilized world.

Vigorous yet well directed action is necessary. The health of the community must be protected. Where the interests of property claim our attention as opposed to the interests of persons, the interests of persons must be our first care. Yet both interests must be secured and promoted as far as possible by wise and conservative measures.

Somewhat extravagant ideas are prevalent as to the extent and method of the work done.

The whole number of animals examined since the law of 1894 went into effect up to Dec. 15, 1894, is 5,392; of these, 810 were condemned and killed as tuberculous. The compensation on the basis of half the value for those killed amounted to \$15,280.45. The commissioners find that on the island of Nantucket less than 1 (.97) per cent. of the cattle were tuberculous out of 618 animals examined, and their judgment is that of all the cattle in the Commonwealth not more than 10 per cent. are thus affected. The alarming spread of tuberculosis is confined in a large measure to the last ten years. The vigorous and systematic measures now adopted are similar to those employed when pleuro-pneumonia invaded Massachusetts. Canada, New York, the other New England states, Pennsylvania, Ohio, New Jersey and Nebraska, and several other states are proceeding upon similar lines to those followed here, with some differences in methods of quarantine and in the matter of compensation. In such legislation as may be enacted I know that your wisest care and best judgment will be exercised and that no backward step will be taken.

STATE PRISON.

The condition of the state prison is greatly improved, — in discipline, *morale*, health, and in financial results accruing from prison industries. The new wing for refractory prisoners is almost completed. The industries, expenditures and general management are believed to be now regulated by sound business judgment and by humanitarian principles. A careful examination of the financial statement of the warden will show during the past year a net saving of more than \$30,000.

The health bulletin is not only satisfactory, but instructive and encouraging. There are at this time (Dec. 28, 1894) two men sick in the hospital with consumption, in all probability contracted before they entered the prison. One inmate broke his arm on the 27th inst. (December). The remaining cases, less than ten, are those of men slightly indisposed. During the last three years there were cases admitted to the hospital for minor complaints as follows: 1892, 94 cases, total number of inmates, 649; 1893, 102 cases, total number of inmates, 669; 1894, 109 cases, total number of inmates, 667. In 1892, the deaths numbered 2; in 1893 (one a suicide), 3; in 1894, 4.

In the year 1894 the causes of death were cancer of stomach, tuberculosis, pistol shot wound and chronic nephritis. These statistics would seem to prove that, so far as bodily health is concerned, the management and discipline of the prison are favorable to health and life. The expediency of extending the policy of indeterminate sentences to other classes of convicts is worthy your careful consideration.

RAPID TRANSIT IN BOSTON.

The legislature last year passed an act which provided for the creation of a commission entitled the Boston Transit Commission, to be composed of two members, appointed by the governor with the advice and consent of the council, and the three members of the previously created subway commission. This act, having been accepted by the city of Boston at a special election held for that purpose, took effect in July last, and the two members of the commission to be appointed by the governor were forthwith named and approved.

The Boston transit commission is required to build a new bridge to Charlestown, at such cost as may be found expedient, and is authorized to construct a subway or subways within certain defined limits, the central feature being a subway under the Tremont street mall of the Common, and thence to Scollay square, and beyond to an exit or exits at some point northerly thereof. In building such subways, the commission is empowered to expend the sum of \$7,000,000, which sum the city of Boston is to raise by a special loan.

The commission is prosecuting the preparatory work with diligence and discretion. Of this I have satisfied myself by a personal examination.

The legislature of 1893 authorized the construction of a subway, subject to the approval of the city council of the city of Boston, which approval was given in December of the same year. The legislature of last year supplemented the action of the legislature of 1893 by enlarging the commission and extending and defining its powers. The citizens of Boston, at a special election called for the purpose, approved of the act. The work of the commission is already well begun. I therefore trust that the legislature will take no action calculated to hinder or impede the consummation of this important improvement, and

that, on the other hand, it will give consideration to such perfecting amendments of the act as in the development and execution of the work may be deemed desirable by the commission, in order to enable it to secure the best results in the most economical manner.

On the 27th day of December last the commission took by right of eminent domain, as one of the termini of the subway, the property of the Boston and Maine Railroad between Haymarket square and Causeway street in Boston, and have substantially agreed with the corporation that the compensation to be paid for the premises shall be \$750,000. There are 124,000 square feet in the lot, of which 76,000 square feet are owned in fee by the corporation, with a perpetual easement in the 48,000 square feet remaining.

The Boston Elevated Railway Company furnishes the following statement, in answer to my inquiry as to the progress made in its undertaking: "Plans of routes have been made and application for approval of the same will be made to the board of aldermen as soon as arrangements are completed, after the first of January. The deposits required to be made depend upon the approval by the board of aldermen, and will be made pursuant to the act, after the board of aldermen have passed upon the location.

"The first route to be constructed runs from Sullivan square, Charlestown, to Franklin Park, and passes through the congested district upon a line as near as may be to Washington street on the east. The problem of land damages through the congested district is one which has always embarrassed those who have undertaken this work; but the estimates made by leading experts in such matters in this country show that they will not be so large as to offer insurmountable obstacles to construction, as has been claimed."

SAVINGS BANKS.

During the year ending Oct. 31, 1894, 1,044,649 deposits, amounting to \$74,946,570.01, were made in the one hundred and eighty-five savings banks of this commonwealth; \$15,770,963.89 in dividends were placed to the credit of depositors; during the same period there were 968,577 withdrawals, amounting to \$74,124,697.33; leaving the aggregate amount at the credit of depositors

on that day of \$416,778,017.53, represented by 1,247,090 accounts, an average of \$334.20 to each account. The total assets of the banks amount to \$442,391,264.81.

As compared with the previous year these figures show a decrease of 56,761 in number of deposits made; a decrease of \$780,901.02 in amount of deposits made; an increase of 15,524 in number of withdrawals made; a decrease of \$10,278,377.96 in amount of withdrawals made; an increase of \$115,398.08 in dividends; an increase of \$16,782,447.72 in the aggregate of deposits; an increase of \$17,811,930.43 in total assets; an increase of \$4.85 in the average to each account.

The condition of our savings banks, after so long a period of depression and trial as that through which we have been passing, is encouraging.

CO-OPERATIVE BANKS.

Amount of dues capital, Oct. 31, 1894, about	.	.	\$15,644,542 69
Amount of dues capital, Oct. 31, 1893,	.	.	14,516,478 48
Gain during the year, about	.	.	\$1,128,000 00

"Dues capital" represents the actual savings of the members paid by them into the banks, the profits to which they are entitled being kept in a separate account, called "profits capital," and not added to the principal of the deposits, as is done in savings banks; each shareholder, however, receives his proportion of the profits when he withdraws from the bank.

The total assets of the banks Oct. 31, 1894, were about	\$18,585,000 00
The total assets of the banks Oct. 31, 1893, were about	17,085,000 00
Gain for the year, about	\$1,500,000 00

The importance and benefit of these co-operative banks to the people of the Commonwealth cannot be overlooked by intelligent legislators.

In addition to the increase of deposits in the savings banks, the co-operative banks, which are *quasi* institutions for savings, show an increase of dues paid in, which, though not as large as for the previous year, is nevertheless gratifying in view of the continued depression in business; the dues capital of the 117 banks being on October 31 last about \$1,128,000 more than at the same

date in 1893; the total assets of the banks being some \$1,500,000 larger than the previous year.

THE MILITIA.

It is simple justice to say that the militia was never in better condition than at present. The parade in October last of the whole force gave such full opportunity for public examination that extended comment seems superfluous. The work of the staff has been well done as regards the inspector's department; the surgeon general with his admirable ambulance system; the rifle practice; and the zeal and devotion of officers and men, so ably controlled and directed by the adjutant general and the commanding officers, — deserve warm commendation. It will be difficult for disturbers and agitators to arouse anything but the most fraternal feeling between the militia and the people, because the militia is created by the people, of the people and for the people. In the language of the Constitution (Chap. II., Art. VII.), the governor is given power, “for the special defence and safety of the Commonwealth, to assemble in martial array and put in warlike posture the inhabitants thereof.” And the militia of the Commonwealth represents simply the “inhabitants thereof” arrayed to protect the majesty of the Commonwealth and the rights and the peace of the people.

IN GENERAL.

Facts and statistics of great interest and importance will result from the elaborate investigations made by the “Greater Boston” Commission, as it is popularly called, and also from those made by the board of inquiry into the condition of the unemployed.

The board of police for the city of Boston has been proceeding with commendable vigor in the difficult task of suppressing illegal liquor selling, houses of bad repute, lotteries and gambling in all its forms. The *morale* of the police force has been improved and the labors of the board have been rewarded by excellent results. The chairman of the board recommends that the laws relating to the assayer of liquors be amended so as to give ampler powers to that official; and he further suggests that the police force, not only of Boston but of other places, be instructed in military drill as to the use of firearms, and that stacks

of arms be kept in police stations ready for emergency, thus rendering the calling out of the militia in many cases unnecessary.

The commendable work of the police commission of Fall River seems to justify the action of the legislature in creating the commission; and good results have come from the transference of the control of liquor licenses from the mayor and aldermen of cities to license boards throughout the Commonwealth.

The gas commission continues to perform with judgment and diligence the responsible duties imposed upon it and which have been recently greatly increased.

The fire marshal is performing his duty with vigor and judgment.

The board of agriculture was never more active than now, or more successful in arousing public interest in scientific and practical farming. The agricultural college is flourishing, and its graduates have obtained a strong hold upon the confidence of the public.

The good offices of the board of arbitration and conciliation have been sought or given on many occasions, and have contributed not a little to the amicable settlement of questions between employer and employed.

In connection with the subject of labor, I may say that your attention will doubtless be called to the expediency of amending the act passed last year relating to the "particulars" to be furnished to operatives in textile industries. The act is said to be ambiguous in some of its provisions. While the just claims of the operatives will, I doubt not, receive from you the attention they merit, yet, in view of the keen competition which our manufacturers are now compelled to meet from sections of the country more favored by nature in manufacturing conditions, care must be taken that the obstacles and drawbacks now existing here should not be increased or magnified by harassing legislation. It is a most encouraging fact that even under the severe strain which the recent distress brought upon employer and employee alike, such amicable relations were in most instances maintained, and such intelligent and just regard was given by each to the rights and interests of the other.

The interests of the civil service, of insurance and fish and game have been ably cared for.

The nautical training school has been put in excellent condition. Extravagance has been checked, many defects have been remedied, and many improvements made.

The labors of the military and naval historian are progressing rapidly and satisfactorily. You may be required, however, to make further provision to ensure the completion of the work.

The governor and council have been authorized to supervise the continued publication of the province laws, and have entered upon that duty, which it may be hoped will be brought to a close with all reasonable promptness and economy.

The boards of registration in pharmacy, medicine and dentistry are rendering good service to the Commonwealth, registration under the new law in medicine numbering 3,017.

The bureau of labor statistics is pursuing its thorough and valuable labors under the direction of its able chief, Mr. Wadlin, and is already well advanced in the preliminary work on the census of 1895.

The noble building in which you are assembled attests the intelligent labors of the commission on state house extension.

I offer the following suggestions:—

If in your judgment the office of superintendent of prison industries is to be continued, that official should be placed under the supervision of the prison commission. Under a temporary arrangement, the secretary of the commission is at present performing the duties of both offices for one salary, and you may decide, after due consideration, to make this arrangement permanent.

There are upwards of three hundred epileptics in Massachusetts, scattered about in the various state institutions. The public safety as well as the promptings of intelligent humanity suggest that a separate hospital should be provided for these unfortunates, where they can have the advantage of proper and special treatment.

It will be well to consider whether more stringent legislation is not needed to check the brutality of the prize fight and the sparring bout.

I hold to the views expressed in the message of last year as to the extension of municipal suffrage to women.

I think, too, that the time is ripe for a thorough and decisive consideration of the great question of inaugurating biennial elections in this Commonwealth.

Thus I have endeavored briefly and rapidly to enumerate most of the various agencies by which the executive functions of the Commonwealth are performed, and to suggest some necessary and beneficial changes. It is of the greatest importance that the governor and council should keep a close watch over all these agencies, and I can testify most emphatically to the diligent, faithful and intelligent service of the executive council in this direction, and, speaking generally, a commendable zeal and activity seem to be manifested in all departments.

A number of recommendations were made in the message of the governor last year, and several of them have been adopted. The qualifications of voters as to reading and writing to be determined by a uniform test was one of these, and the result appears to be satisfactory.

The registration of practitioners in medicine was another, which has also been attended by excellent results.

Another judge was recommended for the municipal court of Boston, — a recommendation adopted and acted on to the great relief of the business of the court and the general benefit of the public.

The establishment of April the nineteenth as a legal holiday, under the name of Patriots' Day, appeared to touch a responsive chord in the heart of the people, as was evidenced by the first celebration of the day in Concord and Lexington last year.

A larger life would seem to be opening before this active, intelligent and aspiring Commonwealth. It will be your duty to protect and foster her every interest, material, moral and intellectual, so far as they come within the province of legislation. The facilities offered for business and commerce, for the public health and comfort, in river or harbor, in city or town, are to be developed and improved in every wise and judicious way.

Charity, gracious but inexorable, demands from you the magnanimous response which Massachusetts has never failed to give. Education lays its imperial tax upon the treasury with an autocratic power readily acknowledged and obeyed by the intelligence and conscience of the people. Justice insists that her temples shall be kept pure; that the ermine of our judiciary shall continue to be spotless; that the profession of the law shall be the practice of exalted principles developed by the wisdom of ages; and that juries shall be "good and true men,"

fit to decide honestly and wisely the rights of intelligent freemen.

Comprehensive legislation — not multiplicity of legislation — is to be sought ; the principle *multum non multa* may well be followed in your law-making labors. Special legislation is to be discouraged on all accounts.

You meet for the first time in this noble and classic hall, and may the great memories and associations which cluster around the venerable building which you have left be only the forerunners of the patriotic labors and achievements to be done and performed here by you and your successors, and which shall consecrate and endear this grand structure to the hearts of the people to the latest generation.

May the true voice of the people always be heard in these halls ; may the people inspire their representatives, and may their representatives in turn inspire the people ; may this building, as long as one stone rests upon another, be the temple of constitutional liberty ; here let the tongue of the demagogue cleave to the roof of his mouth, let the right hand of the anarchist forget its cunning ; let these walls echo only with the loftiest hopes and the grandest purposes of freemen ; may here forever be found the clear and incorruptible source of the wise, just and equal legislation of an intelligent, liberal-minded, high-souled people, ever true to the purpose of the fathers, directing all their efforts “to the end that this may be a government of laws and not of men.”

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the senate and house of representatives, January 7, 1895.]

Pardons.

I have the honor herewith to present, in compliance with chapter 50 of the resolves of 1860, a report of the forty-eight pardons issued by the governor and council during the year of my administration just closed.

Of the number thus released nine were in the state prison, nineteen in houses of correction, eighteen in the Massachusetts reformatory, and one each in the reformatory prison for women in Sherborn and house of industry on Deer Island. Sickness was the controlling reason for the discharge of eight, three of whom have since died.

FREDERIC T. GREENHALGE.

No. 1. THOMAS McDONALD. Convicted of breaking and entering. Superior Court, Suffolk county, September term, 1892. Sentenced to the house of correction for two years. Pardoned Jan. 25, 1894. McDonald was suffering from pulmonary consumption with little prospect of recovery.

No. 2. JOSEPH MCSWIGGIN. Convicted of rape, Superior Court, Essex county, Oct. 26, 1891. Sentenced to ten years in the state prison. Pardoned Feb. 1, 1894. The district attorney who prosecuted the case was satisfied, after having had the case carefully investigated by a member of the district police, that McSwiggin was guilty of a crime far less serious than that of which he

was convicted, and he believed the ends of justice had been answered by the imprisonment already served. The evidence was conclusive that the complainant, upon whose testimony the prisoner was convicted, was a woman of notoriously unchaste character, addicted to drunkenness, and an untruthful witness. Pardons.

NO. 3. GEORGE WILLIAM GRAHAM. Convicted of adultery, Superior Court, Suffolk county, Aug. 13, 1892. Sentenced to the house of correction for two years. Pardoned Feb. 8, 1894. Graham was seriously ill with pulmonary consumption, with little hope of recovery.

NO. 4. MARY PLUNKET. Convicted of drunkenness, Police Court, Springfield, Aug. 13, 1892. Sentenced to the reformatory prison for women for two years. Transferred to the Worcester insane hospital Oct. 15, 1892. Pardoned Feb. 15, 1894, for removal to the city insane asylum at Springfield, her case having been declared by Dr. Quinby, superintendent of the Worcester hospital, as chronic, and not likely to improve further from hospital treatment.

NO. 5. WILLIAM F. COLLINS, *alias* KELLY. Convicted of larceny, Superior Court, Suffolk county, Nov. 13, 1893. Sentenced to the house of correction for one year. Pardoned Feb. 19, 1894. Collins was suffering from valvular disease of the heart, and acute phthisis. He lived less than twenty-four hours after his release.

NO. 6. WILLIAM MURPHY. Convicted of stubbornness, First Eastern District Court, Middlesex county, Nov. 18, 1893. Sentenced to the Massachusetts reformatory, on an indeterminate sentence. Pardoned Feb. 27, 1894, upon the recommendation of the commissioners of prisons. Murphy was seriously ill with consumption, with little hope of recovery. He died April 26, 1894.

NO. 7. NATHANIEL *alias* NATHAN H. LEE. Convicted of adultery, Superior Court, Essex county, May 17, 1893. Sentenced to the house of correction for 18 months. Pardoned Feb. 27, 1894, upon the recommendation of the county commissioners, city marshal, and probation officer of Lawrence, and district attorney Moody, the prosecut-

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ing officer, on the ground that if all the facts of the case had been known at the time of trial the sentence would undoubtedly have been materially less. The prisoner had no counsel at the trial, and facts that would have affected the sentence were not brought to the attention of the court for that reason.

NO. 8. EDDIE WOOD *alias* EDMUND DUBOIS. Convicted of larceny, Central District Court, Worcester county, Oct. 11, 1893. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 2, 1894. The prisoner was fatally ill with acute general tuberculosis. He died at 10 o'clock the same night.

NO. 9. THOMAS HOWLEY. Convicted of drunkenness, Police Court, Lee, Nov. 14, 1893. Sentenced to one year in the house of correction. Pardoned March 8, 1894, upon the recommendation of the county commissioners and probation officer of Berkshire county, on the ground of excessive sentence. He had never before been arrested, and every one acquainted with the circumstances of the case considered it a most unreasonable sentence, a small fine or a term not exceeding three months being the usual sentence for a first offence.

NO. 10. THOMAS R. WATSON, Jr. Convicted of stubbornness, Municipal Court, Boston, Oct. 14, 1893. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 15, 1894, upon the recommendation of the commissioners of prisons. As he had a good home to go to, it was thought that the punishment he had received was sufficient.

NO. 11. SAMUEL G. NICHOLS. Convicted of perjury, Superior Court, Plymouth county, June 4, 1892. Sentenced to the state prison for four years and eight months. Pardoned March 15, 1894. The justice who imposed the sentence and the district attorney who prosecuted the case both recommended a pardon. His crime consisted of false swearing in a case against his wife, who was charged with a violation of the liquor laws. By it the rights of no individual were in any way impaired. About that time the crime of perjury in the courts of Bristol county had

become flagrant, and it was felt that some firm stand should be taken in order to stop it. It was the opinion of the pardon committee that he had been sufficiently punished, and that the granting of the pardon would be no detriment to justice. Pardons.

NO. 12. THOMAS J. McMANNIS. Convicted of stubbornness, First Eastern District Court, Middlesex county, July 24, 1893. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 16, 1894, upon the recommendation of the justice who imposed the sentence, the chief of police and selectmen of Wakefield, and the commissioners of prisons. The prisoner appeared to have been sentenced under a misapprehension, and should have been placed on probation.

NO. 13. HANS A. ERICKSON. Convicted of breaking and entering, Police Court, Lynn, Nov. 22, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 30, 1894. It appeared that Erickson, who was but 15 years of age, was tried when the probation officer was absent from the court, and his case was not investigated by that officer. It is probable if such an investigation had been made at the time of his trial he would have been placed on probation. The pardon was recommended by the judge who sentenced him, the city marshal of Lynn, and the commissioners of prisons.

NO. 14. EMMA A. BLACKMER. Convicted of assault, Superior Court, Franklin county, Nov. 20, 1893. Sentenced to the house of correction for 9 months. Pardoned April 12, 1894, upon the recommendation of the district attorney who prosecuted the case, on the ground of humanity. The prisoner had a child 5 years old, who was suffering from an incurable disease and needed a mother's care.

NO. 15. JOSEPH PLATT. Convicted of highway robbery, Superior Court, Middlesex county, Oct. 26, 1891. Sentenced to state prison for six years. Pardoned April 26, 1894, on the ground that the offence was less serious than was originally supposed. The district attorney certified that had all the facts regarding the case been known at the time of trial he would undoubtedly have received a sentence no longer than the one he had already served.

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No. 16. **FRANK CLARK.** Convicted of breaking and entering, Superior Court, Norfolk county, Dec. 14, 1892. Sentenced to the state prison for three years. Pardoned May 3, 1894, upon the recommendation of judge Richardson, who imposed the sentence. It appeared that the offence was of a less serious character than was represented at the trial, and that he would not have received a longer sentence than the time which he had been imprisoned if all the facts had been presented to the court.

No. 17. **JAMES PATERSON.** Convicted of bigamy, Superior Court, Middlesex county, Nov. 1, 1892. Sentenced to the house of correction for two and a half years. Pardoned May 10, 1894, upon the recommendation of the chiefs of police of Everett and Malden, and the probation officer of First Middlesex district court. The petitioners were confident that Paterson was not guilty of intention to commit crime. He supposed that his first wife had married again, and that that released him from previous obligations to her, and gave him the right to marry again. The pardon committee were unanimously of the opinion that he had been sufficiently punished.

No. 18. **PATRICK KERRIGAN.** Convicted of drunkenness, Central District Court, Worcester county, March 21, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 11, 1894. The arresting officer testified in court that Kerrigan was idle and vicious and would not work, and that he had been arrested before. It appeared that he was mistaken, the prisoner had always been industrious and had never before been arrested. A young man of the same name who had been arrested before was an entirely different person. The officer acknowledged his mistake. The judge who imposed the sentence, the probation officer, the commissioners of prisons and Kerrigan's employers, all recommended a pardon.

No. 19. **WILLIAM SMITH.** Convicted of breaking and entering, Somerville Police Court, March 6, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 24, 1894, upon the recommendation of the mayor and other prominent citizens of Somerville, and the prison commissioners. If the

case had been properly presented at the trial Smith would undoubtedly have been placed on probation as the offence was a trivial one. Pardons.

NO. 20. ULLIE LEWIS. Convicted of fornication, Municipal Court, Boston, May 14, 1894. Sentenced to pay a fine of \$20. Pardoned May 24, 1894. It was represented at the trial that she was 19 years of age, but it was subsequently ascertained that she was but 15 years of age and should have been sent to the state industrial school in Lancaster instead of the house of industry on Deer Island among hardened criminals. The chief justice of the municipal court and Miss Todd, assistant probation officer, recommended a pardon for the purpose of committing her to the industrial school.

NO. 21. EMORY E. LANE. Convicted of subornation of perjury, Superior Court, Norfolk county, Dec. 8, 1892. Sentenced to the house of correction for two years. Pardoned May 26, 1894, upon the recommendation of the selectmen and many leading citizens of Stoughton, where the prisoner resided, and the district attorney who prosecuted the case. The crime was committed to serve a supposed friend. The real offender was acquitted notwithstanding the subornation was unsuccessful. It was the opinion of the pardon committee that he had served a sufficient sentence for the crime committed.

NO. 22. RICHARD FLANNIGAN, JR. Convicted of drunkenness, Second Eastern District Court, Middlesex county, Oct. 5, 1893. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 1, 1894, upon the recommendation of the mayor, chief of police, inspector of police, probation officer, and other leading citizens of Waltham. Flannigan had never before been placed in confinement for any violation of the law. It was believed that he had been sufficiently punished and that the granting of a pardon would encourage him to abandon the use of intoxicating liquors.

NO. 23. BENJAMIN MARSH. Convicted of drunkenness, Municipal Court, Boston, March 15, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 16, 1894, upon the recommenda-

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tion of the prison commissioners. He had never before been arrested for any offence. He had a wife and two small children who were dependent upon him for support. It was thought that a pardon would tend to encourage him to lead a sober life.

No. 24. JOSEPHINE BROWN. Convicted of polygamy, Superior Court, Suffolk county, Sept. 7, 1893. Sentenced to the house of correction for 18 months. Pardoned June 21, 1894. She was in the last stage of pulmonary consumption, with no hope of recovery.

No. 25. GEORGE WALKER. Convicted of robbery, Superior Court, Suffolk county, May term, 1892. Sentenced to the house of correction for four years. Pardoned June 21, 1894, upon the recommendation of the district attorney. Walker had never before been arrested for any offence. The crime for which he was serving sentence was committed when he was intoxicated, and was not of a serious nature. He had a good home to go to, and the pardon committee were of the opinion that he would profit by the punishment he had received, and that it had been sufficient.

No. 26. JOHN P. JACKSON. Convicted of embezzlement, Superior Court, Middlesex county, Nov. 15, 1893. Sentenced to the house of correction for two years. Pardoned June 29, 1894. The prisoner was seriously ill and failing rapidly. Dr. Utley, the prison physician, was of the opinion that there was little hope of his recovery unless released. As this was his first offence he was thought to be a proper subject for executive clemency.

No. 27. MAUD DENNEY. Convicted of forgery and uttering, Superior Court, Suffolk county, October term, 1893. Sentenced to the house of correction for two years. Pardoned July 19, 1894, upon the recommendation of the complainant and the district attorney. She pleaded guilty to the charge of forgery under a misapprehension, evidently supposing she was doing simply what was necessary to adjust a civil claim. The pardon committee were of the opinion that she had been sufficiently punished for any crime she may have committed in connection with the matter.

No. 28. SCOTT LANNING. Convicted of assault to rob, Superior Court, Worcester county, Aug. 22, 1893. Sentenced to the state prison for three years. Pardoned July 26, 1894, upon the ground of innocence. The district attorney certified that it was not clear in his mind that Lanning was the man who committed the offence. It was established beyond a doubt in the minds of the pardon committee that he was forty miles away from the town where the crime was committed, and a reputable witness testified that it was an impossibility for him to have committed the assault. Pardons.

No. 29. CHARLES A. BARNEY. Convicted of embezzlement, Superior Court, Suffolk county, March 30, 1892. Sentenced to the state prison for three years. Pardoned July 26, 1894, upon the recommendation of the complainants and many of the leading citizens of Somerville. Barney became involved in a questionable transaction in connection with the order of the Fraternal Circle. Restitution was made. His previous character had been of the best. The pardon committee were of the opinion, more than half the sentence having been served, that the ends of justice had been answered.

No. 30. GEORGE COLBY. Convicted of drunkenness, Western District Court, Hampden county, Feb. 16, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 27, 1894, upon the recommendation of the justice who imposed the sentence, and the selectmen, town clerk and police officers of Westfield, the home of Colby. He had a family who were in destitute circumstances; immediate employment awaited him. His friends were satisfied that he had thoroughly reformed and would hereafter lead a temperate life.

No. 31. ALEXANDER JOHNSTON. Convicted of assault, Third District Court, Bristol county, March 3, 1894. Sentenced to the house of correction for one year. Pardoned Aug. 15, 1894. The assault was of a less serious nature than was supposed at the trial, and consequently the justice who imposed the sentence recommended some abatement of it. He was released when his sentence had half expired.

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NO. 32. CAROLINE LATHOmas. Convicted of adultery, Superior Court, Worcester county, Oct. 19, 1893. Sentenced to the house of correction for one year. Pardoned Aug. 16, 1894, upon the recommendation of the district attorney, who certified that "the prisoner had a young child; her husband, a respectable man, very much desired to take her and establish a new home in Canada." In view of these circumstances, and as but thirty days remained of her sentence, a pardon was granted.

NO. 33. EDWARD LANNIGAN. Convicted of breaking and entering, Superior Court, Suffolk county, June term, 1892. Sentenced to the house of correction for three years. Pardoned Sept. 6, 1894. It was proven conclusively that Lannigan did not enter the house for the purpose of stealing, but by mistake or through a disordered mind. He was considered irresponsible by reason of a kick in the head from a horse. The district attorney recommended his pardon.

NO. 34. ROBERT CLARK. Convicted of larceny, Municipal Court, Boston, Dec. 19, 1893. Sentenced to the house of correction for one year. Pardoned Sept. 13, 1894. The justice who imposed the sentence, after a very careful investigation, recommended that a pardon be granted. The offence was a very slight one. The pardon committee were of the opinion that the object of imprisonment had been accomplished.

NO. 35. GEORGE ROUNDTREE. Convicted of drunkenness, First District Court, Bristol county, Aug. 21, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 21, 1894, upon the recommendation of judge Hall, who certified that he "sentenced Roundtree under a misapprehension of the true facts concerning him. Had I known what I now do I should not have imposed the sentence I did."

NO. 36. WILLIAM F. MURDOCK. Convicted of obstructing a railroad, Superior Court, Essex county, October term, 1890. Sentenced to nine years in the state prison. Removed to the Massachusetts reformatory December, 1891. Pardoned Oct. 4, 1894. Murdock's crime consisted in placing a slight obstruction on the

track of the Boston & Maine Railroad and then signalling the train, hoping thereby to receive a reward from the company. No person was injured by his act, neither was there any loss of property. It was simply the indiscretion of a boy but 17 years old. His four years imprisonment was considered ample for the crime committed. The pardon was recommended by prominent officers of the Boston & Maine Railroad, and many leading citizens of Malden, where the offence was committed. Pardons.

No. 37. JOHN A. RICE. Convicted of uttering a forged instrument, Superior Court, Worcester county, May 28, 1894. Sentenced to the house of correction for six months. Pardoned Oct. 11, 1894, upon the recommendation of the district attorney who prosecuted the case. The prisoner was an old man 70 years of age. The person whose name was forged signed the petition; he lost nothing by the forgery. The prisoner's wife was in a condition bordering upon insanity owing to his imprisonment. It was hoped that the effect of a pardon upon his wife's mind might prove of advantage to her; but six weeks remained of the sentence.

No. 38. JOSEPH BEBO. Convicted of receiving stolen goods, Central District Court, Worcester county, Dec. 15, 1891. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Oct. 11, 1894. The commissioners of prisons recommended that the prisoner, who was but 16 years of age when arrested, should be released, as his parents had recently removed to New York and could give him a home there away from his former associates. It was thought the punishment he had received was sufficient.

No. 39. SARO CHIVARO. Convicted of murder, second degree, Supreme Judicial Court, Suffolk county, Dec. 15, 1879. Sentenced to the state prison for life. Pardoned Oct. 11, 1894. Chivaro, who was but 16 years of age when arrested, was unable to speak our language, and through an interpreter was advised to plead guilty although he was simply an accessory and had no connection with the murder except to watch outside while his companions were committing robbery as he supposed. If he had not pleaded guilty as advised, and had stood trial, he would

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undoubtedly have received a lighter sentence than he has already served. It was proven conclusively that he was used as a tool by others who were more guilty than he, but who received the same sentence. Chivaro had been a very exemplary prisoner.

NO. 40. SOLOMON BUTEKAN. Convicted of embezzlement, Superior Court, Suffolk county, May term, 1894. Sentenced to one year in the house of correction. Pardoned Oct. 25, 1894, upon the recommendation of the district attorney and probation officer, upon the ground that he had been sufficiently punished for the offence committed. It appeared that he borrowed money for a small amount upon jewelry not his own, expecting to pay the loan and redeem and return the jewelry to its owner. Not being able to do so, he was arrested and sentenced, notwithstanding restitution was made previous to sentence.

NO. 41. HENRY J. GUNN. Convicted of murder, second degree, Supreme Judicial Court, Plymouth county, May 20, 1880. Sentenced to the state prison for life. Pardoned Oct. 26, 1894. After a long and careful investigation, extending over a period of nearly six months, the council recommended a pardon for the following reasons: Gunn voluntarily surrendered himself to the officers of the law, confessing the crime. There were many extenuating circumstances surrounding the case. The crime was committed under great provocation, and there was no evidence that it was premeditated. Neither before nor since the act had he been known as a quarrelsome or vindictive person or inclined to commit any injury upon or against any one. His prison record was of the best. The court had no discretion in the matter of sentence. Friends stood ready to give him immediate employment. The council were satisfied that the object of imprisonment had been accomplished, that no public interest would suffer, and that good order and discipline in the prison would be promoted by his release.

NO. 42. PATRICK T. MOYNIHAN. Convicted of being idle and disorderly, First District Court, Bristol county, Aug. 18, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 2,

1894, upon the recommendation of judge Hall, who imposed the sentence, and who certified that had he known the full facts connected with the case at the time of trial he would not have sentenced him. The prison commissioners concurred in this recommendation. Pardons.

No. 43. MALACHI LALLY. Convicted of robbery, Superior Court, Suffolk county, November term, 1892. Sentenced to the house of correction for three years. Pardoned Nov. 15, 1894. Lally was in an advanced stage of consumption, with little hope of recovery.

No. 44. JAMES LUCY. Convicted of drunkenness, Police Court, Newburyport, Sept. 18, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 15, 1894, upon the recommendation of the commissioners of prisons and the city marshal and probation officer of Newburyport. Lucy had never before been arrested, and had been using liquor but a short time. He had always worked in a mill, where he could again be employed. It was believed that he had been sufficiently punished for the offence committed.

No. 45. CHARLES STANIFORD CHRISTIAN. Convicted of malpractice, Superior Court, Middlesex county, Dec. 3, 1889. Sentenced to thirteen years in the state prison. Pardoned Nov. 15, 1894, upon the recommendation of many of the leading citizens of Cambridge, where the crime was committed, and who were conversant with the peculiar circumstances of the case. Christian was made a principal in the commission of the offence, although really an accessory. He was the least guilty of all concerned, and has alone suffered therefor, the principals having escaped. His reputation had always been above reproach. This is the only offence of any kind that has ever been charged against him. His conduct during imprisonment has been of the best. The officers who obtained the evidence against him at the trial believe that the ends of justice have been served. The council were of the opinion that in view of the extent of his connection with the crime committed he had been sufficiently punished.

No. 46. JOHN R. SHAY. Convicted of stubbornness, Municipal Court, Roxbury, April 3, 1894. Sentenced to

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the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 6, 1894, upon the recommendation of the justice who imposed the sentence, who certified that this was Shay's first offence, that he had a good home, and that, if the statutes permitted, he would not have sentenced him to the reformatory for a longer term than six months.

NO. 47. CHAS. G. SCHUBERT. Convicted of vagrancy, Central District Court, Worcester county, July 9, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 27, 1894, upon the recommendation of the commissioners of prisons. Schubert was not a professional vagrant, but the son of rich parents residing in Germany. He was driven to beg by actual hunger. When arrested he declined to give any account of himself, and consequently was sentenced.

NO. 48. JOHN DOHERTY. Convicted of breaking and entering and larceny, Superior Court, Norfolk county, Dec. 18, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Jan. 2, 1895, upon the recommendation of the district attorney who prosecuted the case, who certified that he was satisfied that the prisoner was innocent of the crime for which he was sentenced. Doherty was undefended by counsel, so the facts that tend to establish his innocence of the offence were not brought out at all.

[To the honorable senate and house of representatives, Jan. 7, 1895.]

I transmit to you herewith for your information and use the sixth annual report of the state house construction commission.

[To the honorable senate and house of representatives, Jan. 25, 1895.]

I transmit to you herewith for your information and use the accompanying report of the board of commissioners for the promotion of uniformity of legislation in the United States, appointed under the acts of 1891, chapter 405.

[To the honorable senate and house of representatives, Feb. 4, 1895.]

I transmit herewith for your information and action a communication from the secretary of war inviting the governor and staff, together with such further representation from the Commonwealth of Massachusetts as the legislature thereof may see fit to authorize, to be present at the dedication of the Chickamauga and Chattanooga National Military Park, which will take place on the 19th and 20th of September, 1895.

[To the honorable senate and house of representatives, Feb. 5, 1895.]

I submit herewith for your information and action a communication from the art commission of the city of Boston, who were authorized by chapter 81 of the resolves of the year 1891 to erect in said city a statue in bronze of the late Charles Devens.

[To the honorable senate and house of representatives, Feb. 11, 1895.]

I transmit herewith for your consideration a communication from his excellency the governor of New Hampshire, enclosing a joint resolution of the legislature of New Hampshire relating to the boundary line between the states of New Hampshire and Massachusetts, together with the annual report of the commissioners appointed to ascertain and establish the boundary line between the states of Massachusetts, New Hampshire and Vermont.

[To the honorable the house of representatives, Feb. 13, 1895.]

I return the proposed act entitled "An Act to remove the restrictions upon shad and alewife fishing in the Merrimac River" without my approval, and assign for such action the following reasons:—The policy of the Commonwealth for the promotion of the general welfare by the culture, preservation and propagation of food fish in the rivers, brooks and ponds of the Commonwealth, is set forth in chapter 91 of the Public Statutes and in

amendments thereof, and subsequent acts. This policy has been established for more than twenty-five years, and is fraught with deep interest to the inhabitants of the Commonwealth. The most careful provisions and restrictions are laid down to insure the accomplishment of the purpose contemplated, and extraordinary powers are given to the governor and council and the commissioners on inland fisheries as to fixing and defining arbitrarily tidal bounds and mouths of streams, and as to prohibiting fishing in the tidal waters navigable or unnavigable, for long periods of time. This policy has been adopted in other states, and is now in such a process of development that in a very few years most advantageous results in some directions, and possibly failures in others, will be apparent; but generally great benefits to the public will be found to have resulted. Under existing law, considerable latitude is now given to persons desirous to fish, four days a week, from March 1st to May 31st being allowed for the taking of shad and alewives. The spawning season is to be carefully guarded unless the whole policy of the Commonwealth is to be abandoned. Upon the information given to me, I find that alewives have already passed up the Merrimac river in great numbers, and are now to be found in the ponds connected by passable streams with this river. This is probably true of other similar rivers and streams. Shad spawn in the Merrimac in June. If the proposed bill allows the taking of shad during that season, then the policy of the Commonwealth is attacked, and the public health and welfare endangered by the sale and consumption of fish unfit for food and by the destruction of the young fish as well as the spawning fish. It is scarcely necessary to add also that the Commonwealth has in a manner entered into joint undertakings with the neighboring state of New Hampshire in the effort to preserve and to develop inland fisheries by the maintenance of joint hatcheries and by other arrangements calculated to insure the same result. The act of 1893, chapter 201, removing the restrictions upon the taking of shad and alewives from the Chain Bridge between Newburyport and the town of Amesbury is open to some objections, but the conditions in that part of the river are not similar to those in the part embraced in the proposed act. The part of the river specified in the act of 1893 is much wider than at any other point,

and the tide is so strong that it is difficult, if not impossible, for fishermen to use their seines, except for an hour or two, at low tide, and they seldom fish then unless there are fishing vessels waiting at the mouth of the river for bait. The bait consists of "bluebacks" and "porgies" or menhaden. Salmon and shad run in at flood tide and very few are taken on such occasions. Most of the shad and salmon have passed up the river by the 20th of June, and fishing for the bait, described above, seldom begins before that date. While the act of 1893 may in its terms, therefore, appear to be an invasion of the policy of the Commonwealth, practically the policy is not materially affected.

The proposed act, while differing somewhat from the act returned without approval in 1894 as infringing the policy of the Commonwealth in regard to inland fisheries, contains the same destructive principle, and raises a question between the interests of a few individuals and the general welfare of the whole people.

I therefore respectfully and reluctantly return this act without approval.

[To the honorable senate and house of representatives, Feb. 26, 1895.]

I beg to call your attention to the accompanying communication to the governor and council from the building committee of the Medfield insane asylum, with the recommendation that the subject receive your early consideration.

I transmit also a communication from the trustees of the Medfield insane asylum, informing the governor and council that eighteen of the buildings of the asylum will be ready for furniture before the next session of the legislature, and that an appropriation of \$40,000 will be necessary for furnishing these buildings; and I recommend this communication also to your early consideration.

[To the honorable senate and house of representatives, April 4, 1895.]

I return without my approval the act entitled "An Act to establish the salary of the Clerk of the Board of Police for the City of Boston." This act proposes an increase of \$500 in the salary of the official named. While it is true

that many inequalities are to be found in the scale of salaries as now established in the various departments of the Commonwealth, which ought at some suitable time to be adjusted or corrected, I am of the opinion that the present year does not offer a favorable opportunity for securing such a result. The tendency in private enterprises has been towards rigorous economy, reduction in the number of employees, and in salaries and wages. The profits of business are small, and competition is close and severe. In such a condition of affairs it would seem inconsistent for the Commonwealth to move in the opposite direction and to adopt the general policy of increasing rather than diminishing salaries of public officials, however plausible might seem the reasons for such a course. Without any disparagement to the ability and efficiency of the official named in this act, and regarding the claim that the city of Boston is chiefly concerned in this increase of salary as not affecting the principle involved, I respectfully decline to approve this act.

[To the honorable senate and house of representatives, April 8, 1895.]

In conformity with the request of the executive council, recommending that the matters relating to the "erection of a monument to mark the site of the first town meeting held in America and of the first free public school" be transmitted by the governor to the legislature in a special message, I herewith submit the documents relating to the matter for your consideration and action.

[To the honorable senate and house of representatives, April 9, 1895.]

I return without my approval the act entitled "An Act to establish the salary of the First Clerk of the Secretary of the State Board of Agriculture," and the reasons assigned for such action are as follows:—While recognizing the ability and efficiency of the official named in the proposed act, I do not think the present an opportune time for increasing salaries, and I beg to refer to the reasons stated at more length in the matter of the "Act to establish the salary of the clerk of the board of police of the city of Boston."

[To the honorable senate and house of representatives, April 9, 1895.]

I return without my approval the act entitled “An Act to establish the salary of the judge of probate and insolvency for the county of Berkshire,” and the reasons assigned for such action are as follows:— While recognizing the ability and efficiency of the official named in the proposed act, I do not think the present an opportune time for increasing salaries, and I beg to refer to the reasons stated at more length in the matter of the “Act to establish the salary of the clerk of the board of police of the city of Boston.”

[To the honorable senate and house of representatives, April 9, 1895.]

I return without my approval an act entitled “An Act to establish the salary of the executive stenographer in the office of the Governor of the Commonwealth,” and the reasons assigned for such action are as follows:— While recognizing the ability and efficiency of the official named in the proposed act, I do not think the present an opportune time for increasing salaries, and I beg to refer to the reasons stated at more length in the matter of the “Act to establish the salary of the clerk of the board of police of the city of Boston.”

[To the honorable senate and house of representatives, April 12, 1895.]

It is my duty to inform the legislature that the Honorable Henry M. Phillips has communicated to me his resignation of the office of treasurer and receiver general of the Commonwealth. A vacancy therefore exists in that office, to be supplied by election by the senators and representatives in accordance with the provisions of the Constitution.

[To the honorable senate and house of representatives, April 22, 1895.]

The cotton states and international exposition to be held in Atlanta, Ga., from September 18th to December

31st, 1895, promises to be a most important and significant occasion, second only to the world's Columbian exposition. I cordially agree with the suggestions made in the report of the committee on mercantile affairs (Senate Document No. 267) that the Commonwealth should be officially represented at the Atlanta exposition, and that a suitable appropriation be made to enable the Commonwealth to furnish a comprehensive exhibit of her textile fabrics, machinery and various manufactures. It would be well to consider, also, the propriety of making an exhibit of colonial and revolutionary relics, with other historical and interesting objects. Several of our sister states have already taken action in the matter, and many foreign countries have evinced great interest in this exposition. I trust, therefore, that the legislature will give the subject favorable and early consideration.

[To the honorable senate and house of representatives, April 22, 1895.]

I transmit herewith a communication from Mr. Edward Atkinson, treasurer of the Shaw monument fund, relating to the unveiling of the Shaw monument, which it is believed will occur in the early part of October next, and I recommend that the legislature make such arrangements as may be deemed necessary to insure a suitable representation of the Commonwealth at the ceremony attending the unveiling of the monument.

[To the honorable senate and house of representatives, May 10, 1895.]

I beg to submit to your attention the accompanying communications, one from the commissioners on the state house construction and another from the architect to the commissioners, both relating to the necessity of a further appropriation for the completion of the work of the commission.

The increase of appropriation seems to be required for work not originally contemplated, as electric plant, expenses for delays caused by the order of the governor and council in 1891 in postponing the removal of the rear of the state house until the portion northerly of Mt. Vernon

street was ready for occupancy, maintenance of the building and several other matters of expense.

I ask for a careful consideration of the accompanying communications, and your prompt action thereon.

[To the honorable senate and house of representatives, May 17, 1895.]

I herewith return without my approval the act entitled "An Act to place the control of the police force of the city of Holyoke under the license commission of said city and to change the name of said commission."

Several hearings have taken place before me in regard to this bill. As a result of those hearings and from information derived from various sources, the following facts appear to be clearly established:—

First: Up to within a very recent period, the condition and conduct of public affairs in the city of Holyoke were marked by disorder and lawlessness.

Second: Since the establishment of the present board of license commissioners, a decided and substantial improvement has been made.

Third: The license commissioners were appointed by the mayor of Holyoke, and their administration has been distinguished by integrity, diligence, general efficiency and success.

Fourth: It appears that the public-spirited citizens of Holyoke, without distinction of party, have united on several occasions, and have been enabled to elect able and honest chief magistrates.

Fifth: That the police of Holyoke appear to have given all necessary assistance to the license board in its official work, and that the present mayor has the confidence of the public-spirited citizens of Holyoke.

While it may be well to give police powers to the license board, as was done in the case of the city of Lowell, the question arises whether the state authorities or the local authorities should have the appointment of the officials charged with these multiform and most responsible duties. Shall the proposed police board be appointed by the governor with the advice and consent of the council, or by the mayor subject to the approval of the aldermen?

It is clear that the governor must always come to this task under disadvantages. He can seldom have personal knowledge of the candidates; he must depend upon others, often partisans or interested parties, for information; his judgment must often be at second hand. But the important principle of local self-government — the autonomy of the city or town — is a material factor in this inquiry. Every citizen may claim the right of trial by a jury of the vicinage, and, while the guardians of the public peace are agents of the Commonwealth, it has always been deemed best, except in special and extraordinary cases, that they should be selected by the local authorities who have the best means of knowing their qualifications, and that those who have the best means of observing the manner in which officials discharge their duty, should have the power of appointment and removal.

The case of the city of Holyoke does not seem to be analogous to that of the city of Boston or of the city of Fall River.

The former is not only the city of Boston but may be regarded as, in a certain degree, the city of Massachusetts, in which many persons not legal citizens thereof have vast property or business interests, and which almost every citizen of Massachusetts visits more or less frequently, and in which all take a peculiar and profound interest. In the city of Fall River, the friends of law and order appeared for a time to be unable to make head against selfish and demoralizing influences, and were compelled to ask the aid of the Commonwealth to assist them in a great and unusual emergency.

The city of Holyoke appears to have within itself the vital and recuperative energy requisite to effect its own complete deliverance from all its difficulties. Holyoke is now on the way to pure and economical government, and this result has been achieved by the courage, vigor, and patience of its own citizens.

I do not believe that the power of appointment of the board of police, as contemplated in the proposed act, should be given to the governor. The principle involved militates against the independence of municipalities, and while necessary in extraordinary cases, should be diminished rather than extended.

I therefore decline to approve the act.

[To the honorable senate and house of representatives, May 22, 1895.]

William Cogswell, a representative of this Commonwealth in the congress of the United States, died this morning in Washington. Congress is not now in session. A statesman in the actual service of the Commonwealth has died at his post, and I deem it fitting that the legislature of Massachusetts should appoint a committee of their honorable body to proceed forthwith to Washington and escort the funeral cortege on the journey back to the former home of our representative in Massachusetts, and to do all things suitable and worthy of this solemn occasion.

[To the honorable senate and house of representatives, May 22, 1895.]

I return without my approval the act entitled "An Act to establish a board of police for the city of Woburn," being house bill No. 1033, assigning for such action the following reasons:—

The city of Woburn has a population of less than 15,000, with a police force of not more than ten regular officers, and with thirteen liquor licenses. There is no evidence that the laws are not fairly well enforced or that the affairs of the municipality are not reasonably well administered. The police appear to be diligent and free from corrupting influences; the finances of the city have been carefully and wisely managed, and the whole conduct of public affairs has been marked by a spirit of good citizenship singularly free from narrow political prejudices. The present license commission appears to be performing the task, always difficult in all communities, of distributing and regulating liquor licenses, as well as the circumstances of the case permit, and without any imputation of fraud or injustice; and the mayor and aldermen, with other local authorities, merit the trust and confidence of the community in securing a just and equal administration of the law. It does not seem necessary, either for the protection of the rights of citizens in person or property, or for the maintenance of the laws, that this enterprising young city should be placed under the special guardianship of the Commonwealth. It is fully able to take care of itself. I therefore return the proposed act without approval.

[To the honorable senate and house of representatives, May 23, 1895.]

I return without my approval an act entitled "An Act to establish the salary of the clerk of the courts of the county of Plymouth."

This is an act to increase the salary of the official therein named. While there may be special features about the case, I do not consider the present an opportune time to increase the salaries of public officials.

[To the honorable senate and house of representatives, May 23, 1895.]

I return without my approval an act entitled "An Act to establish the salary of the clerk of the police court of the city of Brockton."

This is an act to increase the salary of the official named therein. While there may be special features about the case, I do not consider the present an opportune time to increase the salaries of public officials.

[To the honorable senate and house of representatives, June 3, 1895.]

I return without approval senate bill No. 317, entitled "An Act relative to the preference of Veterans for Employment in the Public Service," and assign the following reasons therefor: —

The language of the proposed act is somewhat ambiguous, and the provisions do not seem to be harmonious. Section one provides for the preference of veterans who have been examined and found qualified, and apparently without regard to the age limit.

Section two provides for the absolute preference of veterans to all other applicants, except women; it further permits the age limit to be disregarded, and a civil service rule which may be modified at any time is thus modified or controlled by statute.

It would seem as if most, if not all, of the applications would be made under section two, where no examination is necessary.

Section three apparently is intended to emphasize section one.

Section four provides that within five days the civil service commission shall, after any examination or cer-

tification of candidates, cause a list of the names of those examined to be prepared, with the standing attained, and said list shall be open to public inspection from 10 A.M. to 2 P.M. I am informed that it will be scarcely possible to carry out the provisions of this section in so short a time as five days.

Section five provides penalties for violations of the law.

Section six provides that "The word 'application' as used in this act shall be construed to mean a petition for employment, containing a sworn statement by the applicant that he is qualified to perform the duties of the position which he seeks, and accompanied by certificates from three citizens of good repute in the community stating that they know said applicant to be fully competent to perform the duties of the position sought."

It will be observed that the citizens who are to furnish certificates of the applicant's fitness are not required to make oath to their statements, while the applicant himself is.

The reason of this distinction does not seem clear, but it is plain that the power of selection and appointment is given to the applicant, and "three citizens of good repute" and taken away from the magistrates chosen or appointed to perform this responsible duty.

This section also defines "veteran" as a "person who served in the United States army or navy during the war of the rebellion, and was honorably discharged therefrom", thus excluding from the benefits of the act the men who served under Custer or in any Indian warfare, who are included in the civil service act and existing rules.

In view of these proposed radical alterations in the existing law, the following considerations are offered as bearing on the question involved.

In administering the public service, the authorities are, by the spirit of the Constitution and the laws, bound to obtain the best service possible. Any attempt to so limit and hamper the appointing authority as to prevent the best possible selection for the performance of a public duty is an injury done to the Commonwealth and to the people. It is the duty and should be the aim of every magistrate to secure to the Commonwealth as perfect a public service as can be obtained; and if the administration of the public service is confused by efforts to turn it into a system of bounty or reward, instead of qualification and merit, such

a duty is made impossible of performance, and such a laudable aim is defeated. Under existing law, the veteran may without examination be placed upon the qualified list, and has preference over others equally qualified.

With these provisions, preference may now be given to the veteran, while at the same time, the principles of good administration of the public service are not violated; and the large number of appointments of veterans will serve to prove that in state, county, town and in all departments, the authorities have, wherever the public interest permitted, given preference to the veteran.

Since 1885, when the civil service rules went into effect, nearly twenty-seven per cent. of all appointments and promotions (excluding positions held by women or where the age-limit governs) have been of veterans. The gratitude and respect felt towards the veteran seldom fail to manifest themselves wherever opportunity offers.

Massachusetts has gained renown by her system of civil service reform—that system has been copied by other states—and its rules and regulations obtain wider imitation every day. Massachusetts was the first to apply the system to the day-laborer. President Harrison and Secretary Tracy adopted the principle and applied it to the navy yards of the country.

The proposed act will be a severe blow to this system, and is not in the true interest of the veteran. The principle has been tried and approved—it has benefited the cause of free government much and will produce greater results in the future.

The veteran will not destroy any system which makes for the good of his country and state—which tends to preserve the safety and to enhance the glory of the Republic which he preserved.

I earnestly beg you to take this important subject once more into your most serious consideration.

[To the honorable senate and house of representatives, June 3, 1895]

I return without approval house bill No. 1166, entitled “An Act to establish the salary of the Insurance Commissioner,” for the following reasons:—

This is an act to increase a salary. However deserving the official named in the act may be, the case falls within

the general rule, — that it is inexpedient to increase the salaries of public officials at the present time.

[To the honorable senate and house of representatives, June 4, 1895.]

I return without approval house bill No. 178, entitled “An Act to establish the salary of the justice of the second district court of Eastern Middlesex.”

This is an act to increase a salary. However deserving the official named in the act may be, the case falls within the general rule, — that it is inexpedient to increase the salaries of public officials at the present time.

[To the honorable senate and house of representatives, June 4, 1895.]

I return without approval house bill No. 1085, entitled “An Act establishing the salary of the district attorney for the southeastern district.”

This is an act to increase the salary of the official therein named. However deserving the official named in the act may be, the case falls within the general rule, — that it is inexpedient to increase the salaries of public officials at the present time.

[To the honorable senate and house of representatives, June 4, 1895.]

I return without approval house bill No. 1158, entitled “An Act to establish the salary of the clerk of the municipal court of the Brighton district of the city of Boston.”

This is an act to increase a salary. However deserving the official named in the act may be, the case falls within the general rule, — that it is inexpedient to increase the salaries of public officials at the present time.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 143, Sect. 14, returns of the following Changes of Names have been received in the office of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts in their respective Counties:—

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1894.			
July 10,	Fostenia M. Tobias,*	Fostenia M. Kelley,	Falmouth.
10,	Ignacia Brown,*	Eunice Brown,	Provincetown.
Sept. 11,	Elsie Wooley Crowell,*	Elsie Wooley Kendrick,	Harwich.
Nov. 13,	Flavius Josephus Nickerson, . .	Flavius Nickerson,	Harwich.

BERKSHIRE COUNTY.

June 5,	Susan Ann Wixson,*	Susan Ann Mellen,	Pittsfield.
July 19,	John Daniel Karick,*	John Daniel Fielding,	Adams.
Sept. 4,	Edith M. Purnell,*	Edith M. Shaw,	Pittsfield.
4,	Cleo I. Spicer,*	Viola May Keach,	North Adams.
Nov. 8,	Margaret Louise Markham,* . .	Margaret Louise Pixley,	Great Barrington.
8,	Ernest Bourdeau,*	Ernest Foisy,	North Adams.
8,	Arthur Bourdeau,*	Arthur Blais,	North Adams.
8,	Varonica Cassidy,*	Mabel Irene St. Peters,	North Adams.
Dec. 5,	Mary E. Smith,	Mary E. Bradford,	Egremont.

BRISTOL COUNTY.

Jan. 5,	Mary J. Morrison,*	Mary Beatrice Bearse,	New Bedford.
Feb. 2,	Catherine Bliss,*	Marion James Haskins,	Dartmouth.
April 6,	Arthur Dunkerly,*	Arthur Dunkerly Taylor,	New Bedford.
6,	Lottie H. Leonard,*	Lottie H. Thompson,	New Bedford.
6,	Lothrop Ames,	Frederick L. Ames,	Easton.
June 1,	John McGrath,*	John Riley,	Fall River.
1,	May C. Demato,*	Georgianna Dunmore,	Attleborough.
July 6,	Ellen Conroy,*	Helen Mulhern,	Taunton.
Sept. 14,	Isabella Hart,*	Isabella Wolstenholme,	Fall River.
Nov. 2,	Doris May Wakefield,*	Doris May Keene,	Easton.
Dec. 7,	Henry Shen Goodwin,	Henry Shea,	New Bedford.
21,	Florence Munday,*	Claire F. Shaftoe,	Taunton.

ESSEX COUNTY.

Jan. 1,	Ruggles Taylor,*	Harold Walton Bishop,	—
1,	George D. Couillard,*	George Dennett Aubin,	Newburyport.
8,	Myra E. Foster,*	Edith Myra Taylor,	Haverhill.

* Changed by reason of adoption.

CHANGE OF NAMES.

ESSEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1894.			
Feb. 5,	William Hilton,*	William Gates,	Salisbury.
5,	Harold E. Woodman,*	Harold Edgar Roberts,	Boston.
19,	Willie W. Ham,	William Walter Ham,	Haverhill.
19,	Earl L. Cole,*	Chester Earl Moore,	Lawrence.
March 26,	Samuel M. Moorgren,	Samuel Mitchinson Moore,	Danvers.
April 2,	Alice M. Lundgren,*	Alice May Beaudry,	Salem.
2,	Ruth L. Curtis,*	Ruth Louisa Parker,	Boston.
16,	Ethel H. Rust,*	Ethel Hall Embree,	Gloucester.
16,	Edith J. Rust,*	Edith Jennette Embree,	Gloucester.
May 7,	Marie Anna Laura Charland,*	Marie Anna Laura Desroches,	Salem.
21,	Willard B. White,	Willard Bailey Farnsworth,	Lynn.
June 11,	Harry L. Higgins,*	Harry Leroy Jaques,	Lawrence.
July 2,	Nellie M. Marsh,	Helen Marie Marsh,	Lynn.
9,	Marie L. Gardiner,*	Marie Louise Gardiner Keay,	Lynn.
9,	Arthur F. Clay,*	Arthur Francis Perkins,	Haverhill.
16,	James S. Kimball,	James Sylvester Butler,	Salem.
23,	Mary J. Curtis,*	Jennie Sumner Stevens,	Newburyport.
Sept. 4,	Timothy Hannafin,*	George Albert Greenleaf,	Weymouth.
4,	Theresa Hannigan,*	Blanche Theresa Philbrick,	—
4,	Lewis E. Putnam,	Lewis Edward Blanchard,	Danvers.
10,	Joseph A. Lacourse,*	Joseph Arnest Roberge,	Ashburnham.
17,	Elmer A. Ellis,*	Walter Carlisle McGown,	Lynn.
24,	Fannie Gertrude Anderson,*	Frances May Whittier,	Boston.
24,	Elton S. Couillard,*	Charles Elton Young,	Newburyport.
Oct. 1,	George Atherton,*	Ralph Arthur Merritt,	—
Nov. 5,	Alfred S. Davies,*	Alfred Sidney Davenport,	Lynn.
Dec. 3,	Bertha Boyd,*	Bertha Blanche Parker,	Boston.
17,	Ruby M. Stone,*	Ruby Lake Kelley,	Lynn.
17,	David E. Holker,	David Emery Hobson,	Newburyport.
17,	Frank E. Holker,	Frank Emery Hobson,	Newburyport.

FRANKLIN COUNTY.

Jan. 2,	Ida May Morse,*	Luler May Johnson,	Orange.
Feb. 6,	Eva Lucinda Morse,*	Lottie Gertrude Delaney,	Orange.
6,	Lawrence Earl Thompson,*	Lawrence Earl Holden,	Orange.
6,	Mary Elizabeth Larrabee,*	Mary Elizabeth Ruddock,	Buckland.
March 6,	Mina Glazier,*	Minnie Susan Severance,	Erving.
May 1,	Eva Hill,*	Eva Lillian Purinton,	Colrain.
June 5,	Minnie Perkins,*	Ethel Nichols Hill,	Orange.
July 3,	Abbie M. Mellen,*	Abbie M. Reed,	Shutesbury.
Sept. 25,	Mildred May Chase,*	Mildred May Wood,	Colrain.
25,	Rose Lane Cranfield,*	Ruth Rose Crane,	Northfield.
Oct. 23,	Jennie S. Burns,*	Jennie S. Rogers,	Colrain.

HAMPDEN COUNTY.

Jan. 3,	Harold Ernest Moore,*	Frank Albert Cross,	Springfield.
13,	Carrie Stowell Magrath,*	Carrie Elizabeth Goodell,	Springfield.
27,	Mary Coleman,*	Mary Sarah Daly,	Springfield.
Feb. 3,	Nellie Louise Benway,*	Nellie Louise Abair,	Wilbraham.
March 31,	Grace Donkin,*	Rebekah Garfield Ladd,	Springfield.
April 4,	James Amenzio Rice,*	James Amenzio Griffith,	Springfield.
28,	— Fairman,*	Walter Richard Boardway,	Holyoke.
June 6,	Lizzie Wheeler,*	Nellie May Barber,	Guilford, Conn.
6,	Rose Georgiana Blair,*	Blanche Flossie Herrick,	Westfield.
6,	Joseph Charles Falardeau,*	Joseph Charles Lalumiere,	Springfield.
23,	Frances Elaine Hall,*	Elaine Merrill,	Springfield.
July 5,	William Henry Conolly,*	William Henry Sherman,	Agwam.
20,	Orrin Flood,*	Frederick Orrin Brigham,	Springfield.

* Changed by reason of adoption.

CHANGE OF NAMES.

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HAMPDEN COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1894.			
Sept. 7,	Ruth Lucretia Farr,* . . .	Ruth Lucretia Fisk, . . .	Springfield.
Oct. 12,	Olive Horton,* . . .	Olive Horton Lombard, . . .	Brimfield.
Nov. 2,	Addie Elizabeth Frost,* . . .	Addie Elizabeth Bemis, . . .	Chester.
Dec. 5,	Ida Louisa Ovali,* . . .	Ida Louisa Axblom, . . .	Springfield.

HAMPSHIRE COUNTY.

Feb. 6,	Ethel Doherty,* . . .	Ethel Evans Caswell, . . .	Easthampton.
March 13,	Henry S. Wilder, . . .	No change decreed, . . .	Northampton.
May 1,	John Charles Murphy,* . . .	John Malcolm McAuley, . . .	Easthampton.
June 12,	Edith Marah Turner,* . . .	Edith Marah Stackman, . . .	Amherst.
July 3,	Abbie Kennedy,* . . .	Abbie Mack, . . .	Haydenville.
21,	John Lewis Flaherty,* . . .	John Lewis Molloy, . . .	Williamsburg.
Aug. 18,	Gertrude Bell Aiken,* . . .	Gertrude Bell Marsh, . . .	Amherst.
Oct. 2,	Amy Isabella Hadsell, . . .	Amy Isabella Easton, . . .	Granby.
16,	Hone Case,* . . .	Fay Arlene Burt, . . .	Plainfield.
Nov. 7,	Linwood G. McCrien,* . . .	Linwood Johnson Griffin, . . .	Greenwich.

MIDDLESEX COUNTY.

Jan. 9,	Addie Delora Clay, . . .	Addie Delora Johnson, . . .	Lowell.
9,	Emma Ledoux,* . . .	Emma Batty, . . .	Pepperell.
16,	Annie Whelan,* . . .	Gladys Kicker, . . .	Cambridge.
23,	Ella F. McCarty, . . .	Ella Frances Olmsted, . . .	Newton.
23,	Jonas Rosher,* . . .	James Wilson, . . .	Cambridge.
23,	William Henry Blood,* . . .	Henry Hutchins, . . .	Somerville.
23,	Mary Agnes Falvey,* . . .	Mary Agnes Bowes, . . .	Boston.
Feb. 6,	Flossie Mildred Brigham,* . . .	Florence Mildred Sturtevant, . . .	Somerville.
13,	Ellen O'Connor,* . . .	Carrie Louise Moore, . . .	Boston.
13,	Frank Lecloir,* . . .	Frank Laprise, . . .	Burke, Vt.
20,	Frank Fogg,* . . .	George Beecher Perkins, . . .	Medford.
20,	Agnes Packard Tapper,* . . .	Agnes Tupper Packard, . . .	Sheet Harbor, N.S.
27,	Walter Ernest Evens,* . . .	Walter Eugene Williams, . . .	Boston.
March 27,	Herbert Lyman Wellington, Jr., . . .	Herbert Ailey Wellington, . . .	Lexington.
April 3,	Isabella A. McNabb,* . . .	Isabella A. Waters, . . .	Cambridge.
3,	Harriet Sanborn,* . . .	Edna Harriet Sprague, . . .	Everett.
10,	Jessie Guthrie Stickel,* . . .	Jessie Guthrie Inman, . . .	Newton.
17,	Frank Kelton,* . . .	Frank Kelton Peakes, . . .	Moore's Mills, N.B.
17,	Joseph Sargent,* . . .	George Guy Burgess, . . .	Worcester.
May 8,	Mary E. Banks,* . . .	Mary Ellen Peirce, . . .	Boston.
15,	Edna May Burleigh,* . . .	Edna May Davis, . . .	Portland, Me.
22,	Cyrus Bancroft Wakefield, . . .	Cyrus Wakefield, . . .	Wakefield.
22,	Ruth Sweet,* . . .	Dorothy Davies, . . .	Taunton.
June 5,	Esther Ella Barry, . . .	Esther Stetson Barry, . . .	Newton.
5,	Fanny Trefethern,* . . .	Fanny Trefethern Pratt, . . .	Boston.
12,	Edouard Belval,* . . .	Edouard Belval, . . .	Lowell.
12,	Albia Poulitotte,* . . .	Albia Lapierre, . . .	Lowell.
12,	Gertrude May Millett,* . . .	Gertrude Leslie Bradish, . . .	Malden.
12,	Leonard Alexander Kirkpatrick,* . . .	Frederick Alexander Corner, . . .	Cambridge.
19,	Arthur Earl Cunningham,* . . .	Arthur Earl Barnard, . . .	Holden, Me.
19,	Louis J. McDonnell, . . .	Louis Frederick Munroe, . . .	Lowell.
26,	Eva Tyler,* . . .	Eva Tyler Sweetland, . . .	Everett.
26,	Mary Crane,* . . .	Myrtle Estelle Mackenzie, . . .	Holliston.
26,	Mabel Daisy Baker,* . . .	Mabel Daisy Morse, . . .	Marlborough.
26,	Ellen S. Miller,* . . .	Ellen Sophia Barnes, . . .	Marlborough.
26,	Mary Reidy,* . . .	Mary Mahoney, . . .	Chicago, Ill.
July 3,	Robert Dunn,* . . .	Homer Emrie Pearson, . . .	Newton.
3,	Arthur O. Regnier,* . . .	Arthur O. Lapierre, . . .	Lowell.
3,	Henry Andrew Murray,* . . .	Henry Andrew de Bairoa, . . .	Marlborough.
3,	Edith L. Brown,* . . .	Edith Lillian Le Count, . . .	Somerville.

* Changed by reason of adoption.

MIDDLESEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1891.			
July 3,	Cornelius J. Sullivan,	Cornelius J. Keating,	Lowell.
3,	Rufus Stickney Scripture,	Rufus Stickney,	Somerville.
3,	Oscar Ammen Farenholt,	Ammen Farenholt,	Malden.
10,	Agnes Elizabeth Turner,*	Agnes Elizabeth Haynes,	Boston.
10,	Mabel Gertrude Brigham,*	Dorothy Hopkins,	Boston.
10,	Marie Maguire,*	Florine Lamson,	Boston.
17,	Harry Lee Dogherty,	Harry Lee Cook,	Malden.
24,	John Aldrich, Jr.,*	John Bryan,	Lowell.
24,	Douglas Gillis,*	George Douglas Clarence Schmiedegard,	Cambridge.
Sept. 4,	Mary E. McKenna,*	Mary Adelyn Berry,	Bedford.
4,	Celia Donahoe,*	Celia O'Neil,	Marlborough.
4,	— Doliver,*	Charles Sprague Abbott,	Chelsea.
4,	Walter W. Morrison,*	Winfred Scott Urann,	Lowell.
4,	Frederick William Davis,*	Frederick William Hyde,	Woodbury, Conn.
4,	Minnie Isabelle Davis,*	Minnie Isabelle Hyde,	Woodbury, Conn.
18,	Bertha Mitchell,*	Bertha Halstead Clarke,	Lowell.
23,	Marguerite Grace Madden,*	Mildred Lothrop Fogerty,	Malden.
25,	Grace Marion Tillson,*	Grace Marion Tillson Smith,	Hullfax.
25,	Blanche Craig,*	Eva May Sanborn,	Cambridge.
Oct. 9,	Gertrude M. Fitzhenry,*	Gertrude Sokell,	Medford.
9,	Clara Louise Cook,*	Clara Louise Fowler,	South Ware, N. H.
9,	Catharine Tallon,*	Catharine Tallon Barrett,	Hudson.
16,	Alfred Lefevre,	Alfred L. Favor,	Lowell.
16,	Florence Annie Aptt,*	Edelweiss Searles Long,	Boston.
23,	Axel Leonard Asp,*	Harold Leonard Childs,	Worcester.
23,	Elma Curley,*	Elma May Bates,	Somerville.
Nov. 7,	Robert Gasten Smith,	Robert Keating Smith,	Cambridge.
7,	Alice Louisa Leiper Brown,*	Alice Louise Knight,	Boston.
7,	Silas Howard Burr McLean,*	Silas Howard Thompson,	Newton.
13,	Edna Oldrey Pottorff,*	Una Warren,	Boston.
20,	Nettie E. Corley,	Nettie Emma Everett,	Waltham.
27,	Minnie Carroll Hoyt,	Carroll Hoyt,	Somerville.
27,	Leo Drummond,*	Leo Drummond Brown,	Framingham.
Dec. 4,	David Curtis Ellis,*	David Curtis Nickerson,	Leominster.
4,	Elizabeth McCarthy,*	Nina Parker Mussells,	Boston.
25,	Charles Alexander Bailey,*	Robert Francis Dandrow,	Boston.
26,	Marie Emma Beatrice McCarney,*	Marie Emma Beatrice Sumpter,	Boston.

NORFOLK COUNTY.

Jan. 3,	Mary M. White,*	Mamie Adalmar Tufts,	Wakefield.
24,	Peter Millergren,	Peter Miller,	Hyde Park.
24,	Serena Emmagene Overell,	Serena Emmagene Giles,	Hyde Park.
Feb. 7,	Mary Caroline Wheelwright,	Mary Cabot Wheelwright,	Cohasset.
7,	Gustava Bayerl,*	Ida Louisa Schimpf,	Boston.
7,	George Clarke,	George Warren Clarke,	Randolph.
21,	Charles Frederick Warnock,	Charles Frederick Kelly,	Brookline.
28,	Margaret Tapley Bowman,*	Marguerite Bowman Carpenter,	Teabody.
March 21,	Maud Elvira Sweet,*	Maud Elvira Cornwell,	Boston.
April 4,	Anna Norton,*	Dellie Vesta Sheerar,	Binghamton, N. Y.
May 23,	Emma Jane Davis,*	Emma Davis Eaton,	Boston.
23,	Mary Jane Walsh,*	Mary Jane Punch,	Boston.
23,	Grace Julia Howard,*	Grace Julia Griffin,	Exeter, N. H.
June 20,	Violet Marjorie Kane,*	Violet Marjorie Loring,	Weymouth.
July 5,	Hattie Crane,*	Lucy Lockwood Ford,	Harbor Grace, N. F.
18,	Margaret Doyle,*	Maud Clifton Young,	Boston.
23,	John Herman Seibe,*	John Norman McKenzie,	Boston.
23,	Mildred Onedia Honey,*	Blanche May Muchmore,	Brookline.
Sept. 5,	Samuel H. Drake,	Samuel Albert Holmes,	Sharon.
23,	Unknown infant,*	Linwood Addison Fuller,	Boston.
Oct. 3,	Gertrude Christabel White,*	Gertrude Christabel Esta,	Upton.
Dec. 3,	John Harold Robinson,*	John Harold Storer,	Hyde Park.
23,	Josephine Harris Stanton,*	Vera Paine Hodgdon,	Hyde Park.
26,	Douglas Stoddard McKean,*	Warren Aubrey Smith,	Newton.

* Changed by reason of adoption.

CHANGE OF NAMES.

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PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1894.			
Feb. 12,	Benjamin Phineas Randall,*	Benjamin Phineas Sturtevant,	Hallfax.
March 26,	Annie S. Richardson,*	Annie S. Litchfield,	Middleborough.
April 9,	Harry Bates,*	Clarence Harry Leslie Knight,	Brockton.
23,	No name,*	Ella Gerrish,	Rochester.
23,	Morris May,	George Maxwell Parker,	West Bridgewater.
May 14,	Katie Courie,	Catherine Leonard,	Bridgewater.
14,	John Kent,	John Saxton Kent,	Brockton.
June 11,	Paul Edward Revere,	Paul Revere,	Bridgewater.
Aug. 27,	John Dacey,*	Franklin Sumner Conant,	Brockton.
27,	Hattie Lora Lally,*	Hattie Lora Worman,	Brockton.
27,	Michael W. Clancy,*	Walter Clancy,	Brockton.
Sept. 10,	Allen B. Browne,*	Albert Edwin Sweetser,	Brockton.
10,	Ruth Wild,*	Ruth Genevieve Ford,	Whitman.
10,	Lawrence Howard Silvia,*	Lawrence Howard Churchill,	Whitman.
24,	Forrest Chase Isenor,*	Forrest Henry Josselyn,	South Hanover.
24,	Lillian Isenor,*	Lillian Charlotte Josselyn,	South Hanover.
24,	Percy Gratian,*	Percy Case,	Bridgewater.
Oct. 27,	Lilla Vaughn Browne,*	Lillian Vaughn Sweetser,	Brockton.
Nov. 26,	Avis Jackson,*	Ivis Snow,	Brockton.
26,	Edith Ewer,*	Edith Gertrude Thayer,	Brockton.
Dec. 26,	Charles Augustus Blomberg,	Charles Augustus Brown,	Brockton.
24,	Joseph McNeil Foley,*	Charles Marcus Davis,	Abington.
24,	Francis Thompson,*	Frank Rich Langdon,	Marshfield.
24,	William Thomas Alexander,	William Thomas Crawford,	Brockton.

SUFFOLK COUNTY.

Jan. 4,	Bertha Ruth Piper,	Ruth Raymond,	Boston.
4,	Minnie Frances Piper,	Minnie Frances Raymond,	Boston.
4,	Eliza A. Murphy,	Eliza A. Frewen,	Boston.
11,	Emma F. McCarty,	Emma Frances Olmstead,	Boston.
11,	Charles F. Warnock,	Charles F. Kelly,	Boston.
11,	Harold Sullivan,*	Harold William Knapp,	Boston.
11,	Ethel Gertrude Lyon,*	Edith Gertrude Fahey,	Boston.
23,	Mary A. Sullivan,*	Mary A. Vasconcellos,	Boston.
23,	Elizabeth McKenzie,	Elizabeth Baklay,	Boston.
23,	Lizzie Josephine Woodward,	Elizabeth Josephine Woodward,	Boston.
Feb. 1,	Evyline J. Moran,*	Evyline J. Fiske,	Boston.
1,	Iona F. Moran,*	Iona F. Fiske,	Boston.
8,	William Culleton,*	Charles Mears Scofield,	Boston.
15,	Hans Christian Anderson,	Henry Christian Anderson,	Boston.
15,	James J. Ready,	James J. Kane,	Boston.
23,	Bertha Elizabeth Thayer,*	Bertha Elizabeth Terrio,	Boston.
23,	Louisa D. Mundy,*	Louisa D. Taylor,	Boston.
March 1,	Edwin Keeley,*	Edwin Richards,	Boston.
1,	Sarah Edith Rouillard,*	Hattie Young Rouillard,	Revere.
1,	Ivanry,*	Alice Gertrude Smith,	Boston.
8,	Mary Helen Farfar,*	Mary Helen Buckley,	Boston.
8,	William H. Nevills,*	William H. Chase,	Boston.
8,	Willie Murdock,*	Stanley William Bailey,	Boston.
8,	Alfred Harmer McCormick,	Alfred Harmer Rickards,	Boston.
15,	Abigail Frances Stetson,*	Frances Stetson Cotter,	North Pembroke.
15,	Sylvia P. Crampsey,	Sylvia P. Irish,	Boston.
15,	Ella F. G. Mealey,	Ella F. G. Scott,	Boston.
15,	Eliza J. J. Mealey,	Lillian Scott,	Boston.
29,	Lucy Anna Frohock,	Lucy Anna Ferguson,	Boston.
April 5,	Benedict Burgess,*	Benedict Hood,	Malden.
5,	Charles Clements Aldrich,*	Charles Clements Aldrich Ames,	Taunton.
20,	Eugene E. Hamlett,*	Eugene E. Plimpton,	Lexington, Mo.
20,	Henry B. Sprague,	Henry B. Sprague,	Boston.
26,	Leo Lemke,	Leo Halder,	Boston.
26,	Louis Ginsburg,	Louis Abraham Ginsburg,	Boston.
26,	George Adolph Samuel Lemke,	George Theodore Halder,	Boston.
26,	Caroline I. Turner,	Caroline I. Cushing,	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1891.			
April 26,	Effie Alice Richards,	Jennie Richards Moore,	Boston.
26,	Gertrude Blanche Harding,	Gertrude Elizabeth Brady,	Lynn.
26,	Laura Silva,*	Laura Gomes,	Boston.
26,	Grace Irene Hadley,*	Grace Irene Russell Leighton,	Lynn.
May 3,	Robert B. Smeaton,*	Grover Robert Barney,	Boston.
3,	Dorothy Hammond,*	Hazel Dutton Sleeper,	Marblehead.
3,	Margaret Rice,*	Nellie Theresa Cullen,	Boston.
3,	Ethel M. Quinn,*	Ethel J. Mayes,	Boston.
3,	Emma Annie Nutting,*	Emma Annie Pierce,	Boston.
3,	Mabel Andrews,*	Nina May Hatch,	Boston.
3,	Simon Salavovichik,	Simon Salaway,	Boston.
17,	Harry Francis Alexander,	Harry Francis Hardy,	Boston.
17,	Pearl Jessie Cone,*	Pearl Jessie Patterson,	Boston.
17,	— Hayden,*	William Vassall Hayden,	Boston.
24,	Ralph Henry McLean,*	William Foss Baker,	Boston.
24,	Mildred Calredo Coley,*	Mildred Simpson,	Revere.
24,	Elizabeth Feeney,*	Ella Josephine Leckie,	Fall River.
24,	Ethel Benson,*	May Ethel Sharp,	Boston.
31,	Walter Scott Adams,*	Walter Scott Baldwin,	Boston.
31,	James T. Kilpatrick,	James T. Kirkpatrick,	Boston.
June 14,	Harry Richardson,*	Harry Eugene Stearns,	Boston.
14,	Elmer E. Stevens, Jr.,*	Elmer E. Elwell,	Boston.
14,	— Sutherland,*	Luella Ann Mosher,	Boston.
21,	Mary Elizabeth Muldoon,*	Mary Elizabeth Bowditch,	Boston.
21,	Frances Dorothy Foss,*	Frances Dorothy Farr,	Boston.
28,	Forrest Sherman,*	Forrest Everett Drake,	Canton.
28,	Pearl Virtue,*	Carol Pearl Forsberg,	Boston.
July 5,	Jonas Rosher,*	Leo Tilles,	Boston.
12,	Florence Cochrane,*	Helen Frances Middleton,	Boston.
19,	Harris Smith,*	Henry Clifford Smith,	Boston.
26,	Eva Gertrude Healy,*	Eva Gertrude Stevens,	Boston.
Aug. 16,	Bertha Kelson,*	Bertha Daisy Read,	Palmer.
16,	Ferdie C. Baker,*	Ferd. C. Baker,	Chelesea.
16,	Mary Agnes Brennan,*	Mary Agnes McKenna,	Boston.
16,	Frederick H. Ward,*	Frederick H. McGowan,	Boston.
16,	Bertha Isabella Ward,*	Bertha Isabella McGowan,	Boston.
Sept. 6,	John A. O'Doherty,	John A. Doherty,	Boston.
6,	Seymore Milliken,*	Seymore Stiles,	Boston.
6,	Teresina Simoniello,*	Teresina Cangiano,	Boston.
6,	Franklin Regan,*	Franklin Robbins,	Boston.
6,	Sylvia Mason,*	Iva May Brady,	Lowell.
6,	Frank Marcus Barrett,*	Charles Harold Burk,	Boston.
13,	Barnett Schnaper,	Barney Leavitt,	Boston.
13,	George Hervey Reed,	George Howard Reed,	Boston.
20,	John Brown,*	Leroy Harold Leathers,	Boston.
20,	Lillie White,*	Lillian Crowder,	Boston.
27,	Morris Moskowitz,	Morris Morse,	Boston.
27,	Simon Moskowitz,	Simon Morse,	Boston.
27,	Easer Moskowitz,	Easer Morse,	Boston.
27,	Flora Moskowitz,	Flora Morse,	Boston.
27,	Lucy Allison,*	Elena Augusta Stone,	Boston.
27,	Lillian White,*	Lillian Miley,	Boston.
Oct. 4,	Mary Diken,*	Mary Gallagher,	Boston.
4,	Alice Josephine McKay,*	Alice Josephine Baker,	Boston.
4,	Mary Ann Pelrine,*	Mary E. Palmer,	Boston.
11,	Charles Askowitz,	Charles Askowith,	Boston.
11,	John Henry Foley,	Henry John Foley,	Boston.
18,	Elsie Hubbard,*	Mildred Alice Wood,	Boston.
18,	Catherine A. Sullivan,*	Catherine A. Marshall,	Boston.
25,	Henry Conley,	Henry West,	Boston.
Nov. 1,	Axel L. Arvidson,	Aleck L. Davidson,	Boston.
1,	— Sullivan,*	Grace Howard Hodgkins,	Boston.
8,	Frank Morse,*	F. Morse de Agreda,	Boston.
8,	Albina M. Palmer,*	Marie Pratt,	Boston.
8,	May Dunkerton,*	Eva May Lee,	Boston.
8,	Victor Albert Neilson,*	Victor Albert Wennerstrom,	Boston.
8,	— Kline,*	Joseph Francis Smyrl,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1894.			
Nov. 15,	Nellie Hirst,*	Marie Louise Denison,	Boston.
15,	Lydia Marie Larsson,*	Lydia Marie Cherry,	Boston.
15,	Lewis Poritzky,	Lewis Adolf Hoogo,	Boston.
22,	Jennie Patterson,	Jennie Matherson Frazer,	Boston.
22,	Daniel J. Reardon, Jr.,*	Joseph Henry Furber,	Boston.
22,	George Clune,*	Salvatore Bova,	Boston.
30,	Marguerite Johnson,*	Marguerite Ethel Fair,	Boston.
Dec. 6,	Robert Edward Lee Leason,*	Robert Edward Bean,	Ilyde Park.
6,	Michael Harrington,	Nathan Michael Harrington,	Boston.
13,	Philip Earl Fuller,*	Cyrus Kelliar Campbell,	Boston.
13,	Evelyn Susan Alberta Clough,*	Evelyn Susan Alberta Peabody,	Boston.
13,	Rena Charles Ellanor Clough,*	Rena Charles Ellanor Peabody,	Boston.
20,	Emma Meyers,*	Valentine Farine Woodward,	Boston.
20,	Justin Bertin,*	Justin Maurice Brown,	Boston.
27,	Thomas F. O'Keefe,*	Francis Richard Follis,	Malden.
27,	Mary Christina Ferri,*	Marie Dianna Petersen,	Boston.
27,	George Lyman Cade Freeman,	George Lyman Cade,	Boston.
27,	Edward Kane,	Edward Dexter Chandler,	Boston.

WORCESTER COUNTY.

Jan. 2,	John Marshall Remington,*	Marshall Fred Cortis,	Oxford.
5,	Isaac Wezanski,	Isaac Wilson,	Worcester.
25,	Ralph Groat,	Ralph Ellsworth Brown,	Westminster.
Feb. 2,	George Irving Tumey,	George Irving Wood,	Southbridge.
2,	Jennie Maria Tumey,	Jennie Maria Wood,	Southbridge.
2,	Charles Irving Tumey,	Charles Irving Wood,	Southbridge.
2,	Stella Catherine Tumey,	Stella Catherine Wood,	Southbridge.
20,	Ruth Taft,*	Ruth Franciese Partridge,	Worcester.
27,	Lula Issie Brunelle,*	Lula Burke,	Fitchburg.
March 2,	Florence May Lueignaw,*	Florence May Whiting,	Oxford.
6,	Addie Maud Bisco,	Adeline Maud Bisco,	Worcester.
9,	James Dudley Doherty,	James Dudley,	Worcester.
9,	Elizabeth McAuliffe,*	Elizabeth King,	Northbridge.
9,	George Edward McDonald,*	George Edward Hetue,	Ashburnham.
13,	Herbert William Ardrie,	Herbert William Flagg,	Northborough.
April 3,	Alice P. Kimball,	Alice P. Bemis,	Mendon.
10,	—,*	Leroy Dolson Newman,	Worcester.
27,	Charles Dexter Coles,*	Charles Dexter Oliver,	Athol.
May 8,	Nellie Gertrude Fowler,*	Nellie Gertrude Sherman,	Worcester.
25,	Ellen McKay,*	Helen Bullard,	Westborough.
25,	Lillian May Hunt,*	Lillie Grace Lewis,	North Brookfield.
June 5,	Edith Eudora McCracken,	Edith Eudora Marsh,	Auburn.
5,	Annie Murphy,*	Lena Mary Mills,	Charlton.
19,	Edwin Winter Cole,*	Edwin Winter Pomeroy,	Worcester.
19,	Eva Ryan,*	Eva Cortis,	Oxford.
22,	Willie Sylvester,*	Wilfred Alden Coffin,	Millbury.
July 17,	Eva May Proctor,*	Eva May Morse,	East Brookfield.
24,	Katie Cullen,*	Katie Conley,	Uxbridge.
31,	Louis S. Rockwood,*	Louis Simmons Stickney,	Ashburnham.
Sept. 4,	Abraham Isaac Asherowsky,	Abraham Isaac Asher,	Worcester.
4,	Eva Roach,*	Eva Flibotte,	Holden.
4,	Agnes Gertrude Maxwell,	Flora Gertrude Fay,	Worcester.
4,	Wesley Willard Humes,	Wesley Goodrich Humes,	Fitchburg.
14,	Katie Cannon,*	Katie Twohey,	Clinton.
Oct. 2,	John William Martin,*	John William White,	Sutton.
9,	Charles Augustus Hicks,*	Charles Augustus London,	Worcester.
9,	Russell Neilson,*	Russell Nelson Putnam,	New London, Conn.
26,	Odile Larochele,*	Odile Dufault,	Southbridge.
30,	Thomas Waters,*	Thomas Whitney Waters,	Phillipston.
Nov. 7,	Flora May Henry,*	Flora Mary Haven,	Worcester.
30,	Mabel Martin,*	Almina Francis Leavitt,	Leominster.
Dec. 7,	George Leon Lanier,*	George Leon O'Regan,	Worcester.
14,	Henry M. Mann,*	Henry Richardson Moody,	Reaver, Penn.
18,	Mary Ann Griffin,*	Shirley Estell Worthley,	Fitchburg.
26,	Israel Franklin Taylor,*	Harry Frank Whitney,	Fitchburg.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT
OF THE
Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR
1895.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
FREDERIC T. GREENHALGE,
GOVERNOR.

HENRY A. THOMAS *Private Secretary.*
EDWARD F. HAMLIN *Executive Clerk.*

HIS HONOR
ROGER WOLCOTT,
LIEUTENANT GOVERNOR.

COUNCIL — (By Districts).

I.—ZIBA C. KEITH Brockton.
II.—CYRUS SAVAGE Taunton.
III.—FRANCIS H. RAYMOND Somerville.
IV.—JOHN H. SULLIVAN Boston.
V.—B. FRANK SOUTHWICK Peabody.
VI.—JOHN M. HARLOW Woburn.
VII.—CHARLES E. STEVENS Ware.
VIII.—ALVAN BARRUS Goshen.

WILLIAM M. OLIN,
SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.* HERBERT H. BOYNTON, *2d Deputy.*

* EDWARD P. SHAW,
TREASURER AND RECEIVER GENERAL.

JOHN Q. ADAMS, *1st Clerk.* GEORGE S. HALL, *2d Clerk.*
WENDELL P. MARDEN, *Cashier.*

JOHN W. KIMBALL,
AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

HOSEA M. KNOWLTON,
ATTORNEY-GENERAL.

GEORGE C. TRAVIS *First Assistant Attorney-General.*
JAMES MOTT HALLOWELL *Second Assistant Attorney-General.*

* Elected by the Legislature, April 25; qualified April 29; in place of Henry M. Phillips, resigned.

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1886.

SENATE.

President — WILLIAM M. BUTLER.

District.	Name of Senator.	Residence.
First Suffolk,	Joseph B. Maccabe, . . .	Boston.
Second "	Joseph J. Corbett, . . .	Boston.
Third "	Michael B. Gilbride, . . .	Boston.
Fourth "	John Quinn, Jr., . . .	Boston.
Fifth "	George P. Sanger, . . .	Boston.
Sixth "	William H. McMorrow, . .	Boston.
Seventh "	Isaac P. Hutchinson, . . .	Boston.
Eighth "	Granville A. Fuller, . . .	Boston.
Ninth "	Charles F. Sprague, . . .	Boston.
First Essex,	Eugene A. Bessom, . . .	Lynn.
Second "	George A. Galloupe, . . .	Beverly.
Third "	Sylvanus Smith, . . .	Gloucester.
Fourth "	Edward G. Frothingham, .	Haverhill.
Fifth "	Horace H. Atherton, . . .	Saugus.
Sixth "	George L. Gage, . . .	Lawrence.
First Middlesex,	George W. Perkins, . . .	Somerville.
Second "	*James P. Niles, . . .	Watertown.
Third "	William B. Durant, . . .	Cambridge.

* Elected February 26; qualified March 11; in place of Oliver Shaw, senator elect, deceased Dec. 26, 1894.

District.	Name of Senator.	Residence.
Fourth Middlesex, . . .	George A. Reed, . . .	Framingham.
Fifth " . . .	George J. Burns, . . .	Ayer.
Sixth " . . .	Arthur H. Wellman, . . .	Malden.
Seventh " . . .	Ether S. Foss, . . .	Lowell.
First Worcester, . . .	Stephen Salisbury, . . .	Worcester.
Second " . . .	*Edwin B. Harvey, . . .	Westborough.
Third " . . .	Ledyard Bill, . . .	Paxton.
Fourth " . . .	Joel D. Miller, . . .	Leominster.
Worcester and Hampshire, .	Percival Blodgett, . . .	Templeton.
First Hampden, . . .	Edward S. Bradford, . . .	Springfield.
Second " . . .	Marcieue H. Whitcomb, . . .	Holyoke.
Franklin, . . .	Dana Malone, . . .	Greenfield.
Berkshire, . . .	George P. Lawrence, . . .	North Adams.
Berkshire and Hampshire, .	John B. Ripley, . . .	Chester.
First Norfolk, . . .	Francis W. Darling, . . .	Hyde Park.
Second " . . .	Robert S. Gray, . . .	Walpole.
First Plymouth, . . .	Edward B. Atwood, . . .	Plymouth.
Second " . . .	James Cushing Leach, . . .	Bridgewater.
First Bristol, . . .	Louis C. Southard, . . .	Easton.
Second " . . .	Joseph O. Neill, . . .	Fall River.
Third " . . .	William M. Butler, . . .	New Bedford.
Cape, . . .	William A. Morse, . . .	Tisbury.

* Resigned June 5.

HENRY D. COOLIDGE, *Clerk.*
 EDMUND DOWSE, *Chaplain.*
 JOHN G. B. ADAMS, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—GEORGE V. L. MEYER.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, .	{ John L. Bates, . James A. Cochran, .	Boston. Boston.
2d,	Boston, Ward 2, .	{ Manassah E. Bradley, . William J. Donovan, .	Boston. Boston.
3d,	Boston, Ward 3, .	{ Michael W. Collins, . John M. O'Hara, .	Boston. Boston.
4th,	Boston, Ward 4, .	{ Timothy J. Donovan, . Jeremiah J. McCarthy, .	Boston. Boston.
5th,	Boston, Ward 5, .	{ William T. Graham, . Michael J. O'Brien, .	Boston. Boston.
6th,	Boston, Ward 6, .	{ Daniel D. Rourke, . Martin F. Ryder, .	Boston. Boston.
7th,	Boston, Ward 7, .	{ Bernard McMackin, . Timothy F. Murphy, .	Boston. Boston.
8th,	Boston, Ward 8, .	{ William F. Donovan, . Thomas F. Keenan, .	Boston. Boston.
9th,	Boston, Ward 9, .	{ George v. L. Meyer, . Robert T. Teamoh, .	Boston. Boston.
10th,	Boston, Ward 10, .	{ Arthur L. Spring, . Clarence P. Weston, .	Boston. Boston.
11th,	Boston, Ward 11, .	{ Joshua B. Holden, . Francis C. Lowell, .	Boston. Boston.
12th,	Boston, Ward 12, .	{ Daniel M. Driscoll, . William P. Driscoll, .	Boston. Boston.
13th,	Boston, Ward 13, .	{ James A. Gallivan, . Michael P. Geary, .	Boston. Boston.
14th,	Boston, Ward 14, .	{ Daniel J. Berry, . Joseph J. Norton, .	Boston. Boston.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15, . . . {	James F. Creed, . . . John G. Horan, . . .	Boston. Boston.
16th,	Boston, Ward 16, . . . {	James Keenan, . . . James F. Ryan, . . .	Boston. Boston.
17th,	Boston, Ward 17, . . . {	Franz H. Krebs, Jr., . . . William W. Towle, . . .	Boston. Boston.
18th,	Boston, Ward 18, . . . {	George A. Hibbard, . . . Albert C. Smith, . . .	Boston. Boston.
19th,	Boston, Ward 19, . . . {	Thomas F. Fallon, . . . Timothy Holland, . . .	Boston. Boston.
20th,	Boston, Ward 20, . . . {	Daniel C. Case, . . . Charles I. Quirk, . . .	Boston. Boston.
21st,	Boston, Ward 21, . . . {	William W. Davis, . . . George M. Scates, . . .	Boston. Boston.
22d,	Boston, Ward 22,	Mark B. Mulvey, . . .	Boston.
23d,	Boston, Ward 23, . . . {	William E. Ford, . . . Charles F. Sturtevant, . . .	Boston. Boston.
24th,	Boston, Ward 24, . . . {	George B. Bird, . . . John E. Tuttle, . . .	Boston. Boston.
25th,	Boston, Ward 25, . . . {	Samuel H. Mitchell, . . .	Boston.
26th,	Chelsea, Wards 1, 2, 3, . . . {	Franklin O. Barnes, . . . Edward E. Willard, . . .	Chelsea. Chelsea.
27th,	{ Chelsea, Ward 4, . . . Revere, . . . Winthrop, . . . }	Ernest W. Roberts, . . . George T. Sleeper, . . .	Chelsea. Winthrop.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . Amesbury, . . . Merrimac, . . . West Newbury, . . . }	Richard Newell, . . . John J. Prevaux, . . .	West Amesbury. Amesbury.
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COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	Haverhill, Wards 1, 2, 4, 6, }	Samuel W. George, . Thomas E. St. John, .	Haverhill. Haverhill.
3d,	{ Haverhill, Wards 3, 5, Methuen, . . . Bradford, . . . }	Levi A. Drury, . . . Robert A. Richardson, .	Bradford. Haverhill.
4th,	Lawrence, Wards 1, 2, 3, }	Joseph J. Flynn, . . John M. Lynch, . . .	Lawrence. Lawrence.
5th,	Lawrence, Wards 4, 5, 6, }	Harry R. Dow, . . . Charles F. Sargent, .	Lawrence. Lawrence.
6th,	{ Andover, . . . North Andover, . }	L. Edgar Osgood, . .	North Andover.
7th,	{ Groveland, . . . Georgetown, . . . Boxford, . . . Topsfield, . . . }	Charles T. Balch, . .	Groveland.
8th,	{ Newburyport, Wards 1-6, Newbury, . . . }	Edward A. Hale, . . . Caleb B. Huse, . . .	Newburyport. Newburyport.
9th,	{ Rowley, . . . Ipswich, . . . Hamilton, . . . Wenham, . . . }	Daniel D. Stone, . .	Hamilton.
10th,	{ Gloucester, Wards 1, 3, 4, 5, 6, 7, 8, . . . Essex, . . . Manchester, . . . }	Charles D. Brown, . . Benjamin S. Bullock, . George J. Tarr, . . .	Gloucester. Manchester. Gloucester.
11th,	{ Gloucester, Ward 2, . Rockport, . . . }	J. Loring Woodfall, .	Rockport.
12th,	Beverly,	Joseph W. Stocker, .	Beverly.
13th,	Salem, Wards 1, 2, . .	John D. H. Gauss, . .	Salem.
14th,	Salem, Wards 3, 5, . .	Cyrus A. Jordan, . .	Salem.
15th,	Salem, Wards 4, 6, . .	George G. Russell, . .	Salem.
16th,	Marblehead,	Frank L. Wadden, . .	Marblehead.
17th,	{ Swampscott, . . . Lynn, Wards 2, 3, . }	George H. Newhall, . . Edward W. Pinkham, .	Lynn. Lynn.

COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	{ Lynn, Ward 4, . . . } { Nahant, . . . }	Edward P. Johnson, . John B. Newhall, .	Lynn. Lynn.
19th,	{ Lynn, Wards 1, 5, . } { Lynnfield, . . . }	Daniel W. Allen, . Benjamin F. Estes, .	Lynn. Lynn.
20th,	{ Lynn, Wards 6, 7, . } { Saugus, . . . }	William H. Hutchinson, William Shepherd, .	Lynn. Lynn.
21st,	Peabody,	Nicolas M. Quint, . .	Peabody.
22d,	{ Danvers, } { Middleton, . . . }	J. Frank Porter, . .	Danvers.

COUNTY OF MIDDLESEX.

1st,	Cambridge, Wards 1, 5, {	David T. Dickinson, . James J. Myers, .	Cambridge. Cambridge.
2d,	Cambridge, Ward 2, {	Frederick W. Dallinger, Wellington Fillmore, .	Cambridge. Cambridge.
3d,	Cambridge, Ward 3, .	John T. Shea, . . .	Cambridge.
4th,	Cambridge, Ward 4, {	Sumner C. Higgins, . Warren F. Spalding, .	Cambridge. Cambridge.
5th,	Somerville, Ward 1, .	Amasa E. Southworth, .	Somerville.
6th,	Somerville, Ward 2,	Frank W. Kaan, . . .	Somerville.
7th,	Somerville, Wards 3, 4, .	Robert Duddy, . . .	Somerville.
8th,	Medford, Wards 1-6, .	Samuel N. Mayo, . .	Medford.
9th,	Malden, Wards 1-7, {	Harvey L. Boutwell, . Ezra A. Stevens, .	Malden. Malden.
10th,	Everett, Wards 1-6, .	John C. Spofford, . .	Everett.
11th,	Melrose,	George R. Jones, . .	Melrose.
12th,	Stoneham,	William H. Marden, .	Stoneham.
13th,	Wakefield,	Silas W. Flint, . . .	Wakefield.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Woburn, Wards 1-7, } { Reading, }	Solon Bancroft, . . George E. Fowle, . .	Reading Woburn.
15th,	{ Arlington, . . . } { Winchester, . . . }	James A. Bailey, Jr, .	Arlington.
16th,	{ Watertown, . . . } { Belmont, }	Frank Chandler, . .	Belmont.
17th,	Newton, Wards 1-7, }	Albert L. Harwood, . J. Edward Hollis, . .	Newton. Newton.
18th,	{ Waltham, Wards 1-7, } { Weston, }	Fred. H. Bradford, . Charles P. Pond, . .	Waltham. Waltham.
19th,	{ Lexington, . . . } { Lincoln, }	John Winn,	Burlington.
	{ Concord, }		
	{ Bedford, }		
	{ Burlington, . . . }		
20th,	{ Chelmsford, . . . } { Billerica, }	George F. Snow, . .	Chelmsford.
	{ Tewksbury, . . . }		
	{ Wilmington, . . . }		
	{ North Reading, . }		
21st,	Lowell, Ward 1, . .	Fred H. Rourke, . .	Lowell.
22d,	Lowell, Ward 2, . .	George E. Putnam, .	Lowell.
23d,	Lowell, Ward 3, . .	John Joseph O'Connor,	Lowell.
24th,	{ Lowell, Wards 4, 5, } { Dracut, }	*Frank S. Bennett, . William H. I. Hayes, .	Tyngsboro'.
	{ Tyngsborough, . . }	George A. Roper, . .	Lowell.
25th,	Lowell, Ward 6, . .	Thomas F Hoban, . .	Lowell.
26th,	Natick,	Edward H. Wilson, .	Natick.
27th,	{ Hopkinton, . . . }	Abner Greenwood, .	Ashland.
	{ Ashland, }		
28th,	{ Holliston, }	George A. Leach, . . E. Lewis Moore, . .	Wayland. Frammingham.
	{ Sherborn, }		
	{ Frammingham, . . }		
	{ Wayland, }		

* Deceased April 10.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th,	{ Marlborough, Wards 1-7, } { Hudson, . . . } { Sudbury, . . . }	Louis P. Howe, . . Henry Tower, . .	Marlborough. Hudson.
30th,	{ Maynard, . . . } { Stow, . . . } { Boxborough, . . } { Littleton, . . . } { Acton, . . . } { Carlisle, . . . }	Josiah P. Thacher, .	Littleton.
31st,	{ Westford, . . . } { Groton, . . . } { Pepperell, . . . } { Dunstable, . . . }	Wesley O. Hawkes, .	Westford.
32d,	{ Ayer, . . . } { Shirley, . . . } { Townsend, . . . } { Ashby, . . . }	Henry Edgerton, . .	Shirley.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . } { Royalston, . . . } { Phillipston, . . . }	Harding R. Barber, .	Athol.
2d,	{ Gardner, . . . } { Winchendon, . . . } { Templeton, . . . } { Ashburnham, . . . }	Theodore K. Parker, . Gilman Waite, . .	Winchendon. Templeton.
3d,	{ Barre, . . . } { Dana, . . . } { Petersham, . . . } { Hardwick, . . . } { Rutland, . . . }	Albert L. Wiley, . .	Hardwick.
4th,	{ Westminster, . . . } { Hubbardston, . . . } { Princeton, . . . } { Holden, . . . } { Paxton, . . . }	Algernon T. Beaman, .	Princeton.
5th,	{ Brookfield, . . . } { North Brookfield, . . } { West Brookfield, . . } { New Braintree, . . . } { Oakham, . . . } { Sturbridge, . . . } { Warren, . . . }	Benjamin F. Blodgett, . Albert H. Edgerton, .	W. Brookfield. Sturbridge.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Spenceer, . . . } { Leicester, . . . }	Lyman D. Thurston, .	Leicester.
7th,	{ Charlton, . . . } { Dudley, . . . } { Southbridge, . . . }	George Hammond, .	Charlton.
8th,	{ Webster, . . . } { Oxford, . . . } { Auburn, . . . }	Frederick A. Brown, .	Webster.
9th,	{ Douglas, . . . } { Millbury, . . . } { Sutton, . . . }	Henry F. Rice, . . .	Sutton.
10th,	{ Uxbridge, . . . } { Northbridge, . . . } { Upton, . . . }	Benjamin A. Jourdan, .	Upton.
11th,	{ Blackstone, . . . } { Mendon, . . . } { Milford, . . . } { Hopedale, . . . }	Charles W. Carroll, . Michael Tuite, . . .	Milford. Blackstone.
12th,	{ Westborough, . . . } { Northborough, . . . } { Southborough, . . . } { Berlin, . . . } { Shrewsbury, . . . } { Grafton, . . . }	Romeo E. Allen, . . . Bowers C. Hathaway, .	Shrewsbury. Westborough.
13th,	{ Boylston, . . . } { Bolton, . . . } { West Boylston, . . . } { Clinton, . . . } { Harvard, . . . } { Lancaster, . . . } { Sterling, . . . }	Charles G. Bancroft, . Arthur H. Turner, . .	Clinton. Harvard.
14th,	{ Leominster, . . . } { Lunenburg, . . . }	*James L. Harrington, .	Lunenburg.
15th,	Fitchburg, Wards 1-6,	Clarentine E. Ferson, . John E. Kellogg, . .	Fitchburg. Fitchburg.
16th,	Worcester, Ward 1, .	Alfred S. Roe, . . .	Worcester.
17th,	Worcester, Ward 2, .	William P. Searls, . .	Worcester.

* Elected April 2; qualified April 11; in place of Gilbert Cook, deceased.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	Worcester, Ward 3, . .	Eugene M. Moriarty, . .	Worcester.
19th,	Worcester, Ward 4, . .	James H. Mellen, . .	Worcester.
20th,	Worcester, Ward 5, . .	James F. Melaven, . .	Worcester.
21st,	Worcester, Ward 6, . .	*Ellery B. Crane, . .	Worcester.
22d,	Worcester, Ward 7, . .	Joseph B. Knox, . .	Worcester.
23d,	Worcester, Ward 8, . .	George H. Mellen, . .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Northampton, Wards 1-7, } Easthampton, . . . Southampton, . . .	Richard W. Irwin, . .	Northampton.
		Homer O. Strong, . .	Southampton.
2d,	{ Chesterfield, . . . } Cumington, . . . Goshen, . . . Huntington, . . . Middlefield, . . . Plainfield, . . . Westhampton, . . . Worthington, . . .	William G. Kimball, . .	Huntington.
3d,	{ Hatfield, . . . } Hadley, . . . South Hadley, . . . Williamsburg, . . .	Henry E. Gaylord, . .	South Hadley.
4th,	{ Amherst, . . . } Belchertown, . . . Granby, . . .	Charles E. Wakefield, . .	Amherst.
5th,	{ Enfield, . . . } Greenwich, . . . Pelham, . . . Prescott, . . . Ware, . . .	Frank M. Sibley, . .	Ware.

* Elected February 19; qualified February 28; in place of Henry Y. Simpson, member elect, deceased Dec. 31, 1894.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Chester, . . . Blandford, . . . Tolland, . . . Granville, . . . Southwick, . . . Agawam, . . . }	Silas B. Root, . . .	Granville.
2d,	{ Montgomery, . . . Russell, . . . Westfield, . . . West Springfield, . . }	Henry C. Bliss, . . . William H. Foote, . . .	W. Springfield. Westfield.
3d,	Holyoke, Wards 5, 6, 7, .	Dwight H. Ives, . . .	Holyoke.
4th,	Holyoke, Wards 1, 2, 3, 4, .	John F. Sheehan, . . .	Holyoke.
5th,	Chicopee, Wards 1-7, .	Alexander Grant, . . .	Chicopee.
6th,	Springfield, Wards 1, 4, 8, {	Lyman H. Perkins, . . . *George W. Turner, . . .	Springfield. Springfield.
7th,	Springfield Ward 5, . . .	Charles L. Young, . . .	Springfield.
8th,	Springfield, Wards 2, 3, { 6, 7, }	Benjamin C. Harvey, . . . Stephen C. Warriner, . . .	Springfield. Springfield.
9th,	{ East Longmeadow, . . . Longmeadow, . . . Hampden, . . . Wilbraham, . . . Monson, . . . Wales, . . . }	J. Marshall Burt, . . .	E. Longmeadow.
10th,	{ Ludlow, . . . Palmer, . . . Brimfield, . . . Holland, . . . }	Horace E. Wallis, . . .	Holland.

COUNTY OF FRANKLIN.

1st,	{ Greenfield, . . . Shelburne, . . . Bernardston, . . . }	Herbert Newell, . . .	Shelburne.
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* Elected February 19; qualified February 27; in place of Joseph L. Shipley, member elect, deceased Dec. 17, 1894.

COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . } { Erving, . . . } { Shutesbury, . . . }	Samuel Hastings, . .	Warwick.
3d,	{ Northfield, . . . } { Gill, . . . } { Montague, . . . } { Wendell, . . . }	Osgood L. Leach, . .	Northfield.
4th,	{ Leverett, . . . } { Sunderland, . . . } { Whately, . . . } { Deerfield, . . . } { Conway, . . . }	Luther W. Clark, . .	Deerfield.
5th,	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Hawley, . . . } { Heath, . . . } { Leyden, . . . } { Rowe, . . . } { Monroe, . . . }	Hugo Mann, . . .	Buckland.

COUNTY OF BERKSHIRE.

1st,	{ New Ashford, . . . } { Williamstown, . . . } { North Adams, . . . } { Florida, . . . } { Clarksburg, . . . }	*Carlton T. Phelps, . . George B. Waterman, . .	North Adams. North Adams.
2d,	{ Adams, . . . } { Cheshire, . . . } { Savoy, . . . }	William S. Jenks, . .	Adams.
3d,	{ Hancock, . . . } { Lanesborough, . . . } { Lenox, . . . } { Windsor, . . . } { Peru, . . . } { Hinsdale, . . . } { Washington, . . . } { Richmond, . . . }	Charles W. Goodrich, . .	Hinsdale.

* Resigned June 5.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Pittsfield, Wards 1-7, Dalton, . . . }	George W. Bailey, William Tolman, .	Pittsfield. Pittsfield.
5th,	{ Stockbridge, . . . Lee, . . . Becket, . . . }	Henry M. Smith, .	Lee.
6th,	{ West Stockbridge, . Alford, . . . Egremont, . . . Great Barrington, . }	Erwin F. Barnes, .	W. Stockbridge.
7th,	{ Monterey, . . . Otis, . . . Sandisfield, . . . New Marlborough, . Sheffield, . . . Mt. Washington, . Tyringham, . . . }	Henry D. Sisson, .	New Marlboro'.

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . Norwood, . . . }	Henry D. Humphrey, .	Dedham.
2d,	Brookline, . . .	Charles H. Utley, .	Brookline.
3d,	Hyde Park, . . .	Charles F. Light, .	Hyde Park.
4th,	{ Milton, . . . Canton, . . . }	Thomas E. Grover, .	Canton.
5th,	{ Quincy, Wards 1-6, . Weymouth, . . . }	*James H. Flint, . Charles L. Hammond, . George L. Wentworth, .	Weymouth. Quincy. Weymouth.
6th,	{ Braintree, . . . Holbrook, . . . }	Zenas A. French, .	Holbrook.
7th,	{ Randolph, . . . Stoughton, . . . Avon, . . . Sharon, . . . Walpole, . . . }	George W. Porter, . George Albert Wales, .	Avon. Stoughton.
8th,	{ Franklin, . . . Foxborough, . . . Wrentham, . . . Bellingham, . . . Medway, . . . Norfolk, . . . }	Elbridge J. Whitaker, . William S. White, .	Wrentham. Foxborough.

* Resigned June 5.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Wellesley, . . . } { Millis, . . . }	William Carter, . . .	Needham.

COUNTY OF PLYMOUTH.

1st,	Plymouth, . . .	William H. Drew, . . .	Plymouth.
2d,	{ Marshfield, . . . } { Plympton, . . . } { Kingston, . . . } { Duxbury, . . . }	*William H. Burges, . . .	Kingston.
3d,	{ Scituate, . . . } { Norwell, . . . } { Hanson, . . . } { Pembroke, . . . }	Albert F. Barker, . . .	Hanson.
4th,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Amos A. Lawrence, . . .	Cohasset.
5th,	{ Rockland, . . . } { Hanover, . . . }	Joshua S. Gray, . . .	Rockland.
6th,	{ Whitman, . . . } { Abington, . . . }	Franklin Powers Harlow,	Whitman.
7th,	{ Mattapoisett, . . . } { Marion, . . . } { Wareham, . . . } { Rochester, . . . } { Carver, . . . }	Isaiah P. Atsatt, . . .	Mattapoisett.
8th,	{ Middleborough, . . . } { Lakeville, . . . } { Halifax, . . . }	Samuel S. Bourne, . . .	Middleboro'.
9th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	Francis Marion Kingman,	E. Bridgewater.
10th,	Brockton, Wards 4, 5, 6, .	George W. Penniman, . .	Brockton.
11th,	Brockton, Wards 2, 3, .	Alpheus M. Eldredge, . .	Brockton.
12th,	Brockton, Wards 1, 7, .	Frederic W. Hathaway,	Brockton.

* Deceased June 5.

COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Attleborough, . . . North Attleborough, . Norton, Seekonk, }	Burrill Porter, Jr., . Mark O. Wheaton, .	N. Attleboro'. Attleborough.
2d,	{ Mansfield, Easton, Raynham, }	Warren S. Leach, . .	Raynham.
3d,	{ Taunton, Wards 1-8, Berkley, }	Frederick E. Austin, . T. Preston Burt, . . E. Clarence Holt, . .	Taunton. Taunton. Taunton.
4th,	{ Fairhaven, Acushnet, Freetown, }	James L. Gillingham, .	Fairhaven.
5th,	{ New Bedford, Wards 1, 2, 3, }	Thomas M. Denham, . Samuel Ross,	New Bedford. New Bedford.
6th,	{ New Bedford, Wards 4, 5, 6, }	George M. Eddy, . . . Fred D. Stanley, . . .	New Bedford. New Bedford.
7th,	{ Westport, Dartmouth, }	John A. Macomber, 2d, .	Westport.
8th,	{ Fall River, Wards 1, 2, 3, 4, 6, }	Thomas Donahue, . . . Joseph F. Mooney, . . William Moran,	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards 5, 7, 8, 9, }	Charles E. Mills, . . . David F. Slade,	Fall River. Fall River.
10th,	{ Dighton, Somerset, Swansey, Rehoboth, }	Henry O. Wood, . . .	Swansey.

COUNTY OF BARNSTABLE.

1st,	{ Falmouth, Bourne, Sandwich, Mashpee, Barnstable, Yarmouth, Dennis, }	Henry H. Fisk, . . . George E. White, . . .	Dennis. Sandwich.
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COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Harwich, . . . } Chatham, . . . } Brewster, . . . } Orleans, . . . }	Theophilus B. Baker, .	Harwich.
3d,	{ Eastham, . . . } Wellfleet, . . . } Truro, . . . } Provincetown, . . }	Heman S. Cook, . . .	Provincetown.

COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } Cottage City, . . . } Edgartown, . . . } Gay Head, . . . } Gosnold, . . . } Tisbury, . . . } West Tisbury, . . }	Otis Foss,	Cottage City.
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COUNTY OF NANTUCKET.

1st,	Nantucket,	John J. Gardner, . . .	Nantucket.
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 MARCUS P. KNOWLTON, of Springfield.
 JAMES M. MORTON, of Fall River.
 JOHN LATHROP, of Boston.
 JAMES MADISON BARKER, of Pittsfield.

SUPERIOR COURT.

CHIEF JUSTICE.

ALBERT MASON, of Brookline

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JOHN P. MANNING, Boston Sup. Ct., Crim. Bus., }	
DEAN PEABODY, Lynn,	ESSEX.
THEODORE C. HURD, Winchester,	MIDDLESEX.
THEODORE S. JOHNSON, Worcester,	WORCESTER.
WILLIAM H. CLAPP, Northampton,	HAMPSHIRE.
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EDWARD E. LYMAN, Greenfield,	FRANKLIN.
HENRY W. TAFT, Pittsfield,	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham,	NORFOLK.
EDWARD E. HOBART, Bridgewater,	PLYMOUTH.
SIMEON BORDEN, Fall River,	BRISTOL.
SMITH K. HOPKINS, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOSIAH F. MURPHEY, Nantucket,	NANTUCKET.

MEMBERS OF THE FIFTY-FOURTH CONGRESS.

[Congressional Districts established by Chap. 396, Acts of 1891.]

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GEORGE F. HOAR, of Worcester.
 HENRY CABOT LODGE, of Nahant.

REPRESENTATIVES.

DISTRICT I.—ASHLEY B. WRIGHT, of North Adams.
 II.—FREDERICK H. GILLET, of Springfield.
 III.—JOSEPH H. WALKER, of Worcester.
 IV.—LEWIS DEWART APSLEY, of Hudson.
 V.—WILLIAM S. KNOX, of Lawrence.
 VI.—*WILLIAM COGSWELL, of Salem.
 VII.—WILLIAM E. BARRETT, of Melrose.
 VIII.—SAMUEL W. MCCALL, of Winchester.
 IX.—JOHN F. FITZGERALD, of Boston.
 X.—HARRISON H. ATWOOD, of Boston.
 XI.—WILLIAM F. DRAPER, of Hopedale.
 XII.—ELIJAH A. MORSE, of Canton.
 XIII.—JOHN SIMPKINS, of Yarmouth.

* Deceased May 22, 1895.

APPENDIX.

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under Chapter 238 of the Acts of 1882, which directs the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."

TABLES

SHOWING

WHAT GENERAL STATUTES OF THE COMMONWEALTH
HAVE BEEN AFFECTED BY SUBSEQUENT
LEGISLATION.

I.

CHANGES IN THE "PUBLIC STATUTES."

Chapter 1.—Of the Jurisdiction of the Commonwealth and Places ceded to the United States.

SECT. 1. Provision is made for defining the boundary line between Massachusetts and Rhode Island. St. 1883, 113, 154. And between Massachusetts and New Hampshire. Res. 1885, 73; 1886, 58; 1891, 70; 1895, 106.

SECT. 3. A part of Gallop's island in Boston harbor is added. St. 1889, 27. And certain lands in Winthrop. St. 1891, 81.

SECT. 4. Lands for the use of the United States fisheries commission added. St. 1882, 131.

Chapter 2.—Of the General Court.

Legislation recommended by State boards, etc., shall be reported to the secretary of the Commonwealth before first Wednesday in January. St. 1893, 144.

The employment of legislative counsel and agents is regulated and provision made for returns of expenses therefor. St. 1890, 456; 1891, 223; 1895, 410. (See 1891, 349; 1894, 298.)

SECT. 5 *et seq.* Manner of publishing notice and presenting petitions changed in certain cases. St. 1885, 24; 1890, 302. (See 1885, 371; 1888, 375 § 3.)

SECTS. 15, 16. Compensation of members changed. The issuing to or acceptance by them of railroad tickets free, or at less than usual rates, is forbidden. St. 1892, 59. (See 1884, 319; 1886, 352; 1894, 359.)

SECTS. 17, 18. Compensation of door-keepers, messengers, postmaster and pages fixed. St. 1895, 193. (See 1882, 257; 1887, 116. Res. 1894, 86.)

SECTS. 21, 22. Clerks' salaries fixed and allowance made for clerical assistance. St. 1884, 329, 334; 1888, 1; 1894, 394. (See 1882, 257.)

SECTS. 24, 35 repealed. St. 1884, 60.

SECT. 27. Number of door-keepers, etc., increased. St. 1882, 257 § 4; 1895, 11.

SECT. 32. See St. 1892, 124; 1893, 417 § 137.

SECT. 34. Additional holidays. St. 1882, 49; 1887, 263. Fast Day abolished and April 19 made a holiday. St. 1894, 130.

Chapter 3.—Of the Statutes.

A commission is established to promote uniformity of legislation in the United States. St. 1891, 405; 1893, 311.

SECT. 1. When an act is to be voted on for acceptance by a municipal or other corporation, a return of the vote must be made to the secretary of the Commonwealth. St. 1883, 100.

SECT. 3. Words "mayor and aldermen" defined. St. 1882, 164.

"Net indebtedness" of towns, cities and districts defined. St. 1883, 127.

Legal notices may be published in a periodical devoted exclusively to legal news. St. 1885, 235.

Word "gaming" includes lotteries, policy, pool buying or selling and registering bets. St. 1895, 419 § 1.

Chapter 4.—Of the Printing and Distribution of the Laws and Public Documents.

This chapter is revised. St. 1894, 393; 1895, 96, 238, 251, 290, 363, 463 § 2. (See 1882, 6, 158; 1883, 55; 1884, 166; 1885, 369; 1887, 118; 1888, 23, 85, 122, 186, 191, 256, 383; 1889, 32, 35, 124, 150, 164, 212, 440; 1890, 50, 97, 126, 273 § 3, 423 § 118; 1891, 76, 191, 193, 292; 1892, 140; 1893, 70, 108, 223, 413, 417 § 204; 1894, 200. Res. 1886, 30; 1891, 60; 1894, 20.)

Provision is made for publishing tables of changes in the general statutes. St. 1882, 238. For reports of election cases. Res. 1886, 36. For reports of capital cases. St. 1886, 214. For supplements to the Public Statutes. St. 1888, 383; 1895, 363. Histories of certain Massachusetts soldiers and sailors. St. 1889, 374; 1891, 235. Res. 1891, 100; 1892, 67. (See St. 1893, 411, 413. Res. 1895, 62, 104.)

Provision made for payment of postage and express charges on certain public documents. St. 1895, 93. (See 1889, 53; 1892, 422.)

Chapter 5.—Of the State House, the Sergeant-at-Arms and State Library.

Additional accommodations are provided for. St. 1882, 262; 1888, 349; 1889, 300, 394; 1893, 450; 1894, 532. (See 1892, 404; 1893, 129. Res. 1891, 21, 25; 1892, 34, 96.)

SECTS. 4, 6, 9, 10. The duties of the sergeant-at-arms are revised. St. 1884, 14; 1887, 128; 1889, 53; 1890, 456 § 2; 1891, 223; 1894, 230 § 2, 298; 1895, 11, 284.

He shall give bond for faithful performance of duties and accounting. St. 1895, 284 § 3.

Clerk provided for. St. 1887, 128. Salaries fixed: Sergeant-at-arms. St. 1895, 284 § 2. (See 1884, 333; 1887, 128.) Clerk. St. 1893, 358. (See 1887, 128.) Messenger. St. 1893, 409. Certain expenses provided for. St. 1894, 314; 1895, 10, 365. (See Res. 1895, 68.)

SECT. 12 is revised. Contingent expenses of the council and officers in the State House are omitted. St. 1887, 128.

SECT. 15 *et seq.* The trustees and librarian are authorized to prepare an index of current events. St. 1892, 140.

SECT. 17 repealed. Appointment of trustees and librarian regulated and salaries fixed. St. 1893, 86. (See 1887, 209; 1892, 287.)

SECT. 18. Additional allowance made for assistance in State library. St. 1891, 24. (See 1882, 29; 1886, 66.)

SECT. 20. Appropriation for books, furniture, etc., increased. St. 1888, 24. (See 1882, 196.)

Chapter 6. — Of the Qualification and Registration of Voters.

This chapter is revised. St. 1893, 417 §§ 13-70; 1894, 268, 271, 291; 1895, 27, 61, 207, 220, 489, 502. (See 1882, 247, 268; 1884, 298; 1885, 246, 271 § 6, 345 § 7; 1886, 68, 264; 1887, 249, 329, 432; 1888, 200, 206; 1889, 69, 196, 337 § 1, 404; 1890, 393, 423 §§ 2-65, 208; 1891, 242, 277, 286, 290, 395; 1892, 351; 1893, 209, 351; 1895, 425. Amendments to constitution, arts. 3, 32.)

Chapter 7. — Of the Manner of Conducting Elections and Returning Votes.

This chapter is revised, and the laws relating to elections codified and consolidated. St. 1893, 417, 465; 1894, 132, 200, 209, 275, 343, 504; 1895, 196, 220, 237, 240, 242, 244, 253, 262, 275, 285, 299, 323, 355, 489, 502, 507, 508. (See 1882, 28, 74, 260; 1883, 42, 100, 229; 1884, 299; 1885, 108, 142, 159, 229, 248, 268, 351; 1886, 49, 262, 264; 1887, 272, 371; 1888, 146, 164, 203, 353, 434, 436, 437, 441; 1889, 191, 413; 1890, 175, 219, 223, 254, 381, 386, 393, 423; 1891, 10, 31, 74, 155, 238, 256, 264, 269, 270, 278, 305, 314, 328, 329, 336; 1892, 51, 115, 124, 190, 224, 279, 316, 332, 368, 405, 406, 416, 431; 1893, 39, 87, 146, 177, 209, 304, 307, 308, 349, 351, 376; 1894, 248, 385 § 2; 1895, 89, 436.)

Political committees and caucuses are regulated. St. 1895, 489, 502, 507. (See 1888, 441; 1893, 417 §§ 71-74; 1894, 504.)

Provision for inquests in election cases. St. 1895, 355.

Chapter 8. — Of the Election of Governor and other State Officers.

This chapter is revised. St. 1893, 417 §§ 146, 247. (See 1884, 299 § 7; 1885, 107; 1886, 262 § 5; 1890, 423 §§ 146-164, 228.)

New districts are established: Councillor. St. 1886, 348. Senatorial. St. 1886, 338. New apportionment of representatives. St. 1886, 256.

Chapter 9.—Of the Election of Representatives in Congress and Electors of President and Vice President.

This chapter is revised. St. 1893, 417, Title IX. (See 1888, 382; 1890, 423 §§ 165-187, 228; 1892, 279.)

New congressional districts established. St. 1891, 396. The requirement of residence in the district is omitted. St. 1882, 253.

Chapter 10.—Of the Election of District and County Officers.

This chapter is revised. St. 1893, 417, Title IX. (See 1890, 423 §§ 188-207; 1892, 115; 1893, 39.)

The office of commissioner of insolvency is abolished. St. 1895, 100. (See Res. 1894, 87.)

Chapter 11.—Of the Assessment of Taxes.

Provision is made for a State tax on certain collateral successions and grants. St. 1891, 425; 1892, 379; 1893, 432; 1895, 307, 430.

Polls and estates established as a basis for apportionment of State and county taxes. St. 1895, 90. (See 1883, 71; 1886, 73; 1889, 103; 1892, 96.)

The rate of taxation is limited in cities. St. 1885, 312 § 1; 1893, 247, 445. (See 1885, 178; 1887, 226.)

Provision for assessment of property held for water-supply purposes in another city or town. St. 1893, 352.

The assessors may divide any ward in a city into convenient assessment districts. St. 1889, 115.

They shall print and distribute in cities and certain towns, and post in other towns, lists of voters and polls. St. 1893, 417 § 18. (See 1884, 298 § 19; 1888, 206; 1890, 305, 423 §§ 25, 26; 1891, 277; 1892, 351 §§ 7-10.)

SECT. 1. As to poll taxes on females, see St. 1893, 417 §§ 14, 16.

SECT. 4. "Or indebtedness" substituted for "due" in sixth line. St. 1882, 76. But see St. 1888, 363. Words "this proviso shall apply to corporations mentioned in Pub. St., ch. 13 § 46," added. St. 1887, 228.

Railroad bonds are made taxable. St. 1888, 363.

Personal property leased for profit is made taxable, where situate, to the owner or person having possession. St. 1889, 446.

SECT. 5, cl. 3, is revised. Certain societies and associations are added. St. 1889, 465. (See 1882, 217 § 2; 1886, 231; 1888, 158.)

CL. 9. Certain real estate of incorporated horticultural societies is exempted. St. 1884, 176.

CL. 10. It does not affect the exemption that the property is owned in common with others. St. 1885, 169.

CL. 11. Domestic fowls to the value of fifteen dollars exempted. St. 1894, 220.

CL. 12. See St. 1884, 298 § 7. Property of certain disabled soldiers and sailors exempted to the amount of \$2,000. St. 1895, 202. (See 1894, 315.)

SECT. 6. See St. 1883, 189.

SECT. 10. The provisions of this section are extended. St. 1893, 149. (See 1887, 373; 1889, 286; 1891, 116.)

SECT. 13. The person appearing as the owner of record is to be held to be the true owner even though deceased. St. 1889, 84.

SECT. 14 amended. "Taxable real estate," in first line, changed to "real estate not exempt from taxation under section five of this chapter." St. 1882, 175 § 3.

SECTS. 14-16. See St. 1888, 390 §§ 32-34; 1889, 334.

SECT. 20. Provision made for assessment of personal property held by an assignee in insolvency, or for creditors; and of personal property held by joint owners or tenants in common, other than partners. St. 1882, 165.

Royalty-paying machines are assessable. St. 1887, 125. Personal property leased for profit shall be assessed where situated. St. 1889, 446.

CL. 2. An act to prevent the double taxation of certain machinery. St. 1894, 304.

CL. 5. Amended to prevent double taxation. St. 1894, 490.

CL. 6. See St. 1888, 390 § 26.

CL. 7. See St. 1891, 425.

SECT. 31 *et seq.* See St. 1885, 312; 1893, 247, 445.

SECT. 34. See St. 1882, 133.

SECT. 38. Returns of mortgages of real estate provided for. St. 1882, 175. And of property held for literary, benevolent, charitable or scientific purposes. St. 1882, 217; 1888, 323. Uniform form of returns provided for. St. 1894, 294.

SECT. 38 *et seq.* See St. 1884, 298 §§ 11-14; 1888, 200, 206; 1890, 423 § 17; 1893, 352, 417 §§ 16-21.

SECTS. 38, 72. See Res. 1892, 55.

SECT. 39 amended. St. 1891, 381.

SECTS. 43, 52, 53. Classification changed. St. 1894, 242.

SECT. 44. Provision for abatement without a new list. St. 1894, 354.

SECT. 49. The overlay is valid, although it may cause the tax to exceed the legal limit. St. 1887, 226. (See 1885, 312; 1887, 281; 1888, 362; 1893, 247, 445.)

SECT. 50. Provision for free access to lists of valuation and assessment. St. 1888, 307.

SECTS. 52-55 are amended and changes made in returns. St. 1883, 41, 91; 1890, 242; 1891, 65. (See 1885, 106; 1886, 56; 1887, 86. Amendments to constitution, art. 32.) As to Boston, see St. 1894, 318.

SECT. 61. Assessors shall certify amount assessed upon each poll as State and county tax respectively. St. 1889, 467 § 1.

SECT. 69. Tenants under obligation to pay taxes may apply for abatement. St. 1888, 315. (See 1890, 127.)

SECTS. 69-76. Appeal may be made to superior court. Proceedings regulated. St. 1890, 127; 1895, 75. (See 1882, 218; 1893, 352 § 3.)

SECT. 73. See St. 1884, 298 § 11; 1888, 200; 1890, 423; 1893, 417.

SECT. 75. Interest allowed on taxes abated. St. 1894, 207.

SECT. 77. See St. 1885, 67, 161.

SECT. 78 is revised. St. 1888, 362. (See 1886, 85.)

SECT. 90. Assessors must send to tax commissioner all lists and statements received of exempt property. St. 1882, 217 § 3.

SECT. 91. Amount of sinking funds or proportionate annual payments of debts must be given. St. 1882, 133 § 2.

SECT. 92. As to Boston, see St. 1882, 252 § 5; 1892, 419 § 138.

SECT. 93. Apportionment of State and county taxes is to be stated on tax bills of males assessed for poll tax only, and they are not entitled to a certificate under this section. St. 1889, 467 § 2. (See 1884, 298 § 8.)

SECTS. 96, 97. For apportionments, see St. 1883, 71; 1886, 73; 1889, 103; 1892, 96; 1895, 90.

Chapter 12. — Of the Collection of Taxes.

This chapter is repealed, and the law as to the collection of taxes revised and codified. St. 1888, 390; 1889, 253, 334; 1890, 331; 1891, 288; 1892, 109, 168, 370; 1893, 241; 1894, 537. (See 1882, 243; 1883, 101; 1884, 162, 242; 1886, 320; 1887, 110, 142.)

The service of process in the collection of taxes is regulated. St. 1892, 168. Provision made for preservation of accounts, papers and records relating to assessment and collection of taxes. St. 1892, 370.

State treasurer may sue to recover the State legacy and succession tax. St. 1891, 425 § 18.

Provision to prevent excessive charges in redemption of tax titles. St. 1891, 288.

Chapter 13. — Of the Taxation of Corporations.

Office of deputy tax commissioner abolished and that of tax commissioner and commissioner of corporations established; duties defined and salary fixed. St. 1890, 160; 1891, 233 § 2, 360; 1894, 484. (See 1882, 217 § 3, 252 § 5; 1887, 214 § 94, 342 § 1; 1890, 127 § 7.)

SECT. 2. Salaries of clerks fixed and allowance made for clerical assistance. St. 1887, 342 § 2; 1891, 342.

SECT. 6. See St. 1882, 217 § 3, 252 § 5.

SECTS. 8, 9. Provision made for counsel to defend suits to recover a national bank tax paid to a city or town. St. 1886, 332. (See 1887, 142 § 3; 1888, 390 § 95.)

SECTS. 17, 40. Title insurance companies are to be taxed under these sections. St. 1884, 180 § 5; 1887, 214 §§ 62-64.

SECT. 20. The exemption is extended. (See ch. 116 § 20, cl. 8.) St. 1883, 248. (See 1886, 77.)

SECTS. 20, 22. Provision for repayment of tax on real estate used for banking purposes. St. 1890, 406; 1891, 171.

SECT. 24 is repealed. The capital stock, franchises and personal estate, but not the real estate, of co-operative banks are exempted. St. 1890, 63. (See 1883, 98; 1885, 121 § 3.)

SECT. 25 *et seq.* The provisions as to the taxation of insurance companies are revised, and §§ 26, 34, 37 are amended. St. 1887, 283; 1888, 154; 1890, 197; 1892, 129. (See 1887, 214 §§ 19, 64.)

SECT. 33 amended. When reinsurance is effected otherwise than by licensed resident agent no deduction is to be made for sums paid therefor. St. 1888, 154. (See 1887, 214; 1890, 197; 1892, 129.)

SECTS. 38-40. Telephone companies are to be taxed under these sections. St. 1885, 238; 1886, 270.

SECTS. 40, 52, 53, 54, 57, 58, 59. Taxation of safe deposit, loan and trust companies regulated. St. 1888, 413 §§ 21-24.

SECT. 43. Taxation of foreign mining, quarrying, land and oil companies regulated. St. 1882, 106; 1883, 74; 1884, 330 § 3; 1886, 230. (See 1891, 341.)

SECT. 46. Corporations mentioned in this section are within the proviso of ch. 11 § 4, as to local taxation. St. 1887, 228. Rate of taxation fixed. St. 1895, 300.

SECTS. 61, 62. Appeal from assessors may be made to superior court. Proceedings regulated. St. 1890, 127.

Chapter 14. — Of the Militia.

This chapter is revised. St. 1893, 367, 439; 1894, 236; 1895, 465. (See 1882, 97, 154 § 11, 178, 179; 1884, 45, 230; 1885, 147, 236; 1886, 63, 105, 237; 1887, 411; 1888, 366, 384; 1889, 360; 1890, 425; 1891, 232; 1892, 238, 366; 1893, 193, 231. Res. 1882, 15; 1890, 67.)

A naval brigade is established. St. 1892, 366; 1893, 367 § 29; 1894, 312. (See 1888, 366.) And a nautical training school. St. 1891, 402; 1893, 124.

Provision made for armories in cities. St. 1888, 384; 1894, 211. (See 1893, 367 §§ 92-97; 1895, 465 § 5.)

The law defining what bodies of men may parade with arms is revised. St. 1895, 465 § 6. (See 1887, 411 § 124; 1890, 425 § 10; 1893, 367 § 124. Res. 1890, 67.)

Ambulance corps reorganized. St. 1894, 236.

Provision is made for appointment of a State military and naval historian. St. 1889, 374; 1891, 235. And for a compilation of records of the revolutionary war. Res. 1891, 100. And of the grand army of the republic. St. 1893, 411. (See St. 1893, 413.)

Chapter 15. — Of the Executive Department and the Secretary of the Commonwealth.

Provision for delegates to certain national conventions. St. 1894, 376.

SECTS. 1-10. Salaries fixed: Governor; St. 1892, 101. (See 1884, 328; 1892, 59.) Governor's private secretary and executive clerk; St. 1891, 411. (See 1884, 8; 1885, 77; 1887, 83.) Executive messenger; 1891, 429. (See 1884, 38; 1887, 221.) Stenographer; 1892, 16. Secretary of the Commonwealth; 1888, 385. (See 1884, 79.) First and second clerks; 1891, 410. (See 1885, 87; 1886, 238.) Third clerk; 1893, 103. (See 1883, 48; 1887, 26.) Allowance for messenger and clerk hire; 1890, 239; 1893, 112; 1895, 402. (See 1884, 15; 1889, 101; 1890, 455.)

The secretary is required to give bond and make annual reports. St. 1892, 262; 1893, 148.

SECT. 9. Additional duties of the secretary: As to elections. St. 1893, 417; 1895, 242. (See 1888, 436 §§ 13, 14; 1890, 223 § 3, 423 § 118; 1891, 328, 329; 1892, 124, 416 § 18.) As to returns of medical examiners. St. 1885, 379 §§ 4-6. Department records. St. 1883, 99. Res.

1884, 60. St. 1885, 337; 1894, 378. (See Res. 1893, 30, 32.) Reports recommending legislation. St. 1893, 144. State printing. St. 1893, 287. Care of Commonwealth building. St. 1884, 14. Sale of railroad equipments, etc. St. 1894, 326 § 2. (See 1893, 413.)

SECT. 12. Form and device of the great seal established. St. 1885, 288.

SECT. 15 is repealed. Blank forms for returns are to be furnished by the commissioners of prisons. St. 1882, 226.

Chapter 16.—Of the Auditor, Treasurer and Matters of Finance.

The par of exchange established by U. S. Rev. St. § 3565 is adopted. St. 1882, 110.

Duties of auditor extended. St. 1882, 22; 1883, 258, 264; 1884, 179, 207, 255 § 30; 1885, 41, 313, 371 § 2, 385; 1886, 300; 1887, 87; 1891, 384; 1893, 287, 417 § 123.

Provision made for auditing accounts of county officers, officers of inferior courts and trial justices, and for returns and payments by them. St. 1887, 438; 1888, 275; 1890, 216, 306, 380 § 3; 1893, 257, 270; 1894, 183, 248. (See 1886, 169; 1890, 204, 215.)

Provision made for an agent to prosecute claims of the Commonwealth against the United States. Res. 1883, 45.

Claims under St. 1862, 62; 1863, 254, to be filed with the auditor. St. 1882, 112. (See 1894, 67.)

SECT. 2. Salaries fixed: Auditor; St. 1889, 70. (See 1885, 195.) Clerks; St. 1891, 375. Expert in printing; St. 1893, 287. (See 1885, 195; 1887, 30; 1888, 432.) Clerical assistance. St. 1894, 397.

SECT. 7. Time for auditor's report changed. St. 1884, 207.

SECT. 17. Clerks and clerical assistance provided for, and salaries of treasurer and clerks fixed. St. 1883, 164; 1885, 263; 1886, 38, 334; 1889, 349; 1891, 233; 1893, 432; 1895, 276, 392. (See 1882, 111; 1885, 15; 1891, 310.) Office hours regulated. St. 1886, 257.

Provisions in regard to trust deposits. St. 1891, 233; 1893, 224. (See 1887, 214 § 94.)

SECT. 18 superseded. St. 1890, 160.

SECTS. 19, 26, 60. Provision for management of surplus accumulations of sinking funds. St. 1891, 259. (See 1893, 424.) Certain moneys are to be paid into the school fund. St. 1890, 335.

Treasurer may receive from the United States, and pay over, sums for the soldiers' home. St. 1890, 373. (See 1889, 282.)

SECT. 26. Annual financial estimates are to be made to the auditor. St. 1885, 41.

SECT. 28. Advances for small expenses and method of accounting therefor provided for. St. 1884, 179; 1887, 269 § 5, 438; 1888, 180, 322; 1890, 58; 1891, 54; 1894, 245, 314; 1895, 10. Advancements on account of salaries authorized. St. 1895, 34.

Certain unclaimed funds shall be paid to the treasurer. St. 1890, 330.

SECT. 42 repealed, and power of committees to cause hearings to be advertised limited. St. 1885, 371. (See 1885, 24.)

SECT. 52. Payments of money from sales of public property regulated. St. 1884, 326.

SECT. 53. Suits for collateral legacy and succession tax are to be brought by the treasurer. St. 1891, 425 § 18. (See 1892, 379; 1893, 432.)

SECT. 55 extended to trust and safe deposit companies approved by the governor and council. St. 1891, 310.

SECT. 60. Additional investments are allowed. St. 1882, 130.

SECTS. 72, 73 repealed. St. 1887, 438 § 8. (See 1886, 169; 1888, 275; 1890, 216, 306, 380; 1893, 270.)

Chapter 17.—Of the Attorney-General and the District Attorneys.

SECTS. 1, 2. A second assistant allowed. St. 1888, 425. (See 1886, 216.)

Salaries fixed. St. 1889, 402. (See 1886, 216.)

SECT. 3. Attorney-general shall appear in capital cases when the public interests require it. St. 1891, 379 § 10; 1893, 324.

SECT. 8 extended. St. 1892, 159; 1894, 127; 1895, 373.

SECT. 9. Attorney-general may cause reports of capital cases to be published. St. 1886, 214. (See 1890, 374; 1895, 372.)

SECT. 10. Allowance for contingent expenses increased. St. 1890, 388.

SECTS. 13-15. Salaries fixed and assistants allowed: Eastern district; St. 1882, 156, 157; 1888, 289. Middle; 1889, 250. (See 1885, 168.) Assistant; 1888, 157; 1893, 138. Southern; 1892, 319. Assistant; 1893, 457. South-eastern; 1888, 267. Assistant, 1891, 113; 1894, 297. (See 1887, 267 § 2.) Suffolk; 1887, 160. First assistant; 1892, 233. Second assistant; 1887, 160. Clerk; 1889, 238. (See 1882, 245 § 2; 1887, 160.) Western; 1887, 97.

Salaries of all assistants are to be paid out of the treasury of the Commonwealth. St. 1895, 424.

SECT. 16. See St. 1888, 267 § 2; 1891, 113.

SECT. 19 is extended. St. 1893, 345. (See 1885, 379 § 7.)

Chapter 18.—Of Notaries Public and Commissioners to administer Oaths of Office and to take Acknowledgments of Deeds, etc.

Form of acknowledgment and execution of deeds, etc., established. St. 1894, 253; 1895, 460.

SECT. 1. Notaries have jurisdiction throughout and are appointed for the Commonwealth. St. 1891, 38.

Women who are attorneys at law may be appointed special commissioners to administer oaths, take acknowledgments and depositions and summon witnesses. St. 1883, 252; 1889, 197. (See 1882, 139.)

SECT. 14. The oath may be taken before a United States minister or consul. St. 1885, 31.

Chapter 19.—Of the Board of Harbor and Land Commissioners.

The commissioners are authorized to remove wrecks and obstructions in tide-waters. St. 1883, 260. (See 1887, 98.)

SECT. 1. Salaries fixed. St. 1893, 298.

SECT. 2. Custody of archives of Maine lands transferred to the secretary of the Commonwealth. St. 1883, 99.

SECT. 3. The commissioners have general care and supervision of the Connecticut river and of structures therein. St. 1885, 344; 1891, 266. (See 1882, 274; 1883, 183.) Building restricted in the river. St. 1893, 301.

They have the same charge of Commonwealth lands, not otherwise provided for, that they have of lands in tide-waters. St. 1886, 144. (See 1888, 318.)

SECT. 7. Regulations are established for Gloucester harbor; St. 1885, 315; 1895, 106. Harbor lines are established for East Boston; St. 1882, 48. South bay, Boston; 1891, 309. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109. Haverhill; 1883, 104. (See St. 1891, 344; 1893, 435.)

SECT. 8 *et seq.* The board has supervision over great ponds and may license structures therein. St. 1888, 318. (See 1886, 248.) A license is required to dam a navigable stream or outlet of a great pond for cranberry culture. St. 1892, 55.

SECTS. 8, 10, 11, 12, apply to the Connecticut river. St. 1885, 344 §§ 2, 3; 1891, 266.

SECTS. 10-13, 16 apply to great ponds. St. 1888, 318 § 5.

Chapter 20.—Of the State Board of Agriculture.

A board of metropolitan park commissioners is established. St. 1893, 407; 1894, 288.

An agricultural experiment station is established, and membership and duties of board of control prescribed. St. 1882, 212; 1883, 105; 1885, 327; 1887, 31, 212; 1888, 333; 1889, 111; 1894, 143; 1895, 57. (See 1888, 296; 1895, 421.)

A dairy bureau is established, to consist of three members of the board of agriculture. St. 1891, 412; 1892, 139.

Provision is made for registration of pedigrees of horses. St. 1890, 334. And for punishing false registration or giving false pedigrees of horses, cattle, etc. St. 1887, 143; 1890, 334.

The agricultural college may receive moneys granted by the United States. St. 1889, 111. (See 1887, 212.)

The trustees of the college are allowed certain expenses. St. 1889, 45.

Provision is made for a bounty for sugar from beets or sorghum cane. St. 1883, 189. And for bounties to chartered poultry associations. St. 1895, 351.

SECT. 1. Membership of board changed. St. 1894, 144.

SECT. 4. Assistant secretary provided for. St. 1891, 412 § 6. Salaries fixed: Secretary; St. 1883, 184. Assistant; St. 1891, 412 § 6. Clerks; St. 1891, 300; 1892, 143; 1893, 130. (See 1887, 245.)

Allowance for clerical services and for lectures increased. St. 1884, 66.

SECTS. 5, 6. The board is authorized to collect and circulate information about abandoned farms. St. 1891, 280. (See Res. 1893, 46.)

And to take measures to exterminate the "gypsy" moth. St. 1891, 210.

(See 1890, 95. Res. 1893, 40.) Provision is made for extermination of insect pests by cities and towns. St. 1893, 78.

SECT. 8 amended. St. 1894, 101.

Chapter 21.—General Provisions relating to State Officers.

A civil service commission is established and appointments to service regulated. St. 1884, 320; 1887, 364, 437; 1888, 41, 253, 334; 1889, 177, 183, 351, 352, 473; 1891, 140; 1893, 95, 253; 1894, 267, 519; 1895, 501. (See 1888, 41; 1895, 376. Res. 1892, 34.)

Certain officers shall not accept railroad tickets at less than usual rates. St. 1892, 59.

Legislation recommended by State boards and commissions shall be reported to the secretary of the Commonwealth before the first Wednesday in January. St. 1893, 144.

Provision made for appointment of a State military and naval historian. St. 1889, 374; 1891, 235. And for a compilation of records of State soldiers and sailors in the revolutionary war. Res. 1891, 100. And of the grand army of the republic. St. 1893, 411. (See St. 1893, 413. Res. 1893, 49.)

Standard record inks required. St. 1894, 378.

SECT. 1. Tenure of office of officers appointed by governor and council regulated. St. 1887, 364.

SECT. 7. Official bonds must be examined yearly, and, if insufficient, renewed. St. 1885, 32; 1893, 257.

SECT. 10. Treasurer's office hours regulated. St. 1886, 257. Advancements on account of salaries authorized. St. 1895, 34.

Chapter 22.—Of Counties and County Commissioners.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 13. When their clerk is absent, the commissioners shall appoint one of their number clerk *pro tempore*. St. 1890, 198.

SECT. 14. Compensation fixed: Barnstable; St. 1893, 276. Berkshire; St. 1890, 133. Bristol; 1893, 291. (See 1886, 251; 1889, 339.) Essex; 1892, 354. (See 1885, 277.) Franklin; 1888, 65. Hampden; 1889, 30. Hampshire; 1887, 211. Middlesex; 1889, 303. (See 1885, 277.) Norfolk; 1892, 399. (See 1885, 277; 1891, 80.) Plymouth; 1892, 298. (See 1886, 251.) Worcester; 1893, 288. (See 1886, 251; 1891, 79; 1892, 59; 1893, 275 § 1.) Transportation expenses are allowed. St. 1893, 273.

Special commissioners. St. 1894, 250; 1895, 112.

SECT. 15. Meetings changed in Berkshire. St. 1883, 63.

SECT. 17. Certain formal proceedings are authorized, notwithstanding disqualification. St. 1893, 238.

SECT. 18 repealed. St. 1893, 275 § 2.

SECT. 19. Oaths of treasurers and registers of deeds are to be recorded. St. 1890, 308.

SECT. 20. Commissioners may examine reservoirs and dams, and proceed under P. S., ch. 190 §§ 53–58. St. 1891, 315.

Provision made for certain expenses of inferior courts and justices. St. 1890, 440 § 11; 1891, 70, 325; 1893, 396 § 1. And for rearranging, indexing and recording certain records and dockets when worn, mutilated or indistinct. St. 1891, 225; 1892, 253.

Orders drawn on county treasurers must be recorded, certified and accompanied by original vouchers. St. 1890, 206.

Proposals for county loans must be advertised for. St. 1895, 111. (See 1895, 143.)

SECT. 26 is limited to regular commissioners and made applicable to issuing orders of notice. St. 1885, 91.

Chapter 23. — Of County Treasurers and County Finances.

SECT. 1. Record shall be made of oath of treasurer. St. 1890, 308.

SECT. 2. Salaries fixed: Berkshire; St. 1889, 58. Bristol; 1889, 16. Essex; 1886, 133. Hampden; 1884, 112. Hampshire; 1887, 159. Middlesex; 1887, 57. Norfolk; 1892, 295. (See 1890, 143.) Plymouth; 1889, 260. Worcester; 1886, 132.

Allowance for clerical assistance: Bristol; St. 1892, 144. Essex; 1889, 310. Middlesex; 1889, 85. Norfolk; 1895, 133. Worcester; 1893, 156; 1895, 113.

SECT. 6 *et seq.* County expenditures must be annually authorized by law. St. 1895, 482. Orders drawn by county commissioners must be recorded, certified and accompanied by original vouchers. St. 1890, 206. Provision is made for invoice books of supplies for county institutions. St. 1890, 296. Proposals for county loans must be advertised for. St. 1895, 111. (See 1895, 143.)

SECTS. 11, 20, 30. Yearly reports of prison receipts and expenses provided for. St. 1891, 187; 1892, 430.

SECT. 22 is revised. St. 1895, 143.

SECT. 28. Treasurer's accounts and returns regulated. St. 1890, 141, 380. (See 1887, 438; 1888, 275; 1895, 482.)

SECT. 30. See St. 1891, 187; 1892, 430.

SECT. 32 repealed. St. 1890, 380 § 2.

SECTS. 36–39 repealed. Controller of county accounts established. St. 1887, 438; 1888, 275; 1890, 216, 380; 1893, 257, 270; 1894, 183; 1895, 143. (See 1886, 169; 1890, 204; 1894, 248.) And deputies. St. 1890, 306; 1895, 175

Chapter 24. — Of Registers of Deeds.

Salaries are established for registers and assistant registers. The fees are to be paid to the county. St. 1895, 493. (See 1887, 438.)

Standard record inks are required. St. 1894, 378.

SECT. 2. New registry established in Bristol. St. 1891, 234.

SECT. 5. And in Worcester. St. 1884, 40.

SECT. 6. Record shall be made of oath of registers. St. 1890, 308.

SECT. 9. Women may be assistant registers. St. 1885, 7.

SECT. 12. Requirement of residence in place of registry repealed. St. 1892, 121.

SECTS. 13-26. Provision for re-recording worn or indistinct records. St. 1892, 253.

SECT. 22. Indexes, except in Suffolk, must show towns in which the lands lie. St. 1885, 29.

SECT. 29 repealed. St. 1895, 403 § 6.

SECTS. 30, 31. See St. 1893, 148.

Chapter 25.—Of Sheriffs.

SECT. 18. See St. 1893, 423 § 32.

SECT. 20 is extended to writs and processes in favor of a sheriff. St. 1885, 75.

SECT. 22. Salaries fixed: Barnstable; St. 1894, 153. Berkshire; St. 1887, 58. Essex; 1894, 414. (See 1887, 164.) Hampden; 1889, 38. Hampshire; 1891, 154. Middlesex; 1888, 95. Suffolk; 1888, 228. Worcester; 1888, 244.

In Dukes and Nantucket fees are allowed. St. 1884, 209; 1886, 28.

SECTS. 24, 25. Sheriffs must deposit public moneys beyond what are required for immediate use. St. 1890, 215. (See St. 1893, 148, 270 § 2.)

Chapter 26.—Of Medical Examiners.

SECT. 2. New district made in Franklin county; St. 1894, 321; and in Plymouth; 1886, 74.

SECT. 6 repealed. St. 1893, 257.

SECT. 9 *et seq.* Fees and duties of examiners regulated. St. 1885, 265 § 4, 379; 1887, 310; 1888, 306 § 2; 1890, 213; 1892, 286.

When death is supposed to be due to violence, no embalming fluid shall be used without a permit signed by an examiner. St. 1892, 152.

SECTS. 12-15. When a fatal accident occurs on a railway a verbatim report of evidence shall be made and sworn to at expense of the railway company. St. 1888, 365; 1889, 154.

SECTS. 14, 25. Fees of witnesses, etc., at inquests regulated. St. 1883, 61; 1885, 379 § 2; 1890, 440 § 9. (See 1888, 180.)

SECTS. 20, 24. Provision made for disposition of bodies and for account of expenses. St. 1887, 310.

SECT. 25. Special justices of municipal, police and district courts, with certain exceptions, are to have same fees as trial justices. St. 1885, 40. The record must state the fact which gives them jurisdiction. St. 1892, 268.

Chapter 27.—Of Towns and Town Officers.

Deposits of town moneys regulated. St. 1893, 266.

SECTS. 2-6. Provision for definition and preservation of town boundary lines. St. 1888, 336.

SECT. 9. Towns may lease public buildings, except school-houses, to grand army and veteran firemen's associations. St. 1885, 60; 1891, 218.

May take lands for public parks. St. 1882, 154; 1890, 240; 1893, 300. (See 1893, 75, 416.) And for preservation of forest trees or preservation of water supply. St. 1882, 255. And for purification and disposal of sewage. St. 1890, 124. And for public libraries. St. 1894, 145.

May provide by by-law for making all drains and sewers main drains and common sewers. St. 1895, 227.

May lay out, alter and widen highways and county bridges. St. 1891, 170.

May adopt act providing for extermination of insect pests. St. 1893, 78.

May establish and maintain public play-grounds. St. 1893, 225. Certain towns may lease open spaces for play-grounds. St. 1893, 331. (See 1893, 300, 416.)

May regulate width of tires on vehicles owned in the town. St. 1895, 296.

May give the improvement of public grounds to corporations organized for the purpose. St. 1885, 157. (See 1893, 300 § 6, 331, 416.)

May manufacture and distribute gas and electricity on certain conditions. St. 1891, 370; 1892, 259; 1893, 454; 1894, 182, 533.

SECT. 10. Towns may contract for disposal of garbage, refuse and offal. St. 1889, 377.

May contract with hospitals for temporary care of the sick. St. 1890, 119. (See 1891, 90.)

May employ counsel at hearings before legislative committees. St. 1889, 380.

May pay interest on public gifts in certain cases. St. 1895, 217.

May raise money to erect and repair monuments to soldiers and sailors in national wars. St. 1884, 42; 1886, 76.

May furnish State and military aid to soldiers and sailors. St. 1889, 279, 301. Shall support certain soldiers and sailors and their families. St. 1890, 447; 1893, 237, 279. (See 1888, 438; 1889, 298.)

SECT. 10, last clause. See St. 1888, 304; 1889, 312; 1890, 347; 1892, 255.

Provision for furnishing towns with steam rollers for construction of macadamized roads, upon certain conditions. St. 1895, 486. (See 1894, 497; 1895, 347.)

Certain towns may water streets and assess cost thereof on the abutters. St. 1895, 186.

SECT. 11. Towns may appropriate money for certain anniversary celebrations. St. 1889, 21; 1892, 166.

SECT. 12. May raise fifty cents per poll for planting, etc., of shade trees. St. 1885, 123 § 1. (See 1890, 196; 1891, 49; 1892, 147; 1893, 78, 403.)

SECT. 15 *et seq.* Regulations for use of carriages, etc., in streets under P. S., ch. 28 § 25, shall be made by selectmen in towns and published. St. 1885, 197. (See 1894, 479; 1895, 296.) And to regulate and control itinerant musicians and coasting. St. 1892, 390.

SECT. 27. Towns having a water supply may contribute with other towns to construct a sewerage system to protect the purity of such supply. St. 1888, 160.

SECT. 34. No fee for detention and support shall be allowed unless it appears by officer's return that defendant was actually detained in the lock-up. St. 1890, 166.

SECT. 41 extended to public library buildings. St. 1894, 145.

SECTS. 44-49 are extended to all persons and corporations, and to electric

light and telephone wires. St. 1883, 221; 1887, 385 § 8; 1889, 398, 434; 1895, 350. (See 1884, 302, 306; 1887, 382.)

SECTS. 48, 129. Superior court given concurrent jurisdiction. St. 1891, 293.

SECT. 52. See St. 1887, 249; 1890, 423 § 208; 1892, 351 § 2; 1893, 417 § 13.

SECTS. 52-69. The laws relating to town meetings, moderators and election of town officers are revised. St. 1893, 417 §§ 259-294; 1894, 16, 132; 1895, 89, 285. (See 1883, 229; 1884, 208 § 4, 299; 1885, 5, 261; 1886, 262, 264, 295; 1887, 249, 371; 1888, 221, 353; 1889, 191; 1890, 351, 419, 423 §§ 208-227; 1891, 10, 31, 32, 74, 155, 270, 305, 336; 1892, 51, 190, 224; 1893, 87, 177.)

Voting precincts provided for. St. 1893, 417 § 101; 1894, 132. (See 1886, 264; 1890, 423 § 72.) Automatic ballot machines authorized. St. 1893, 465.

SECT. 55. See St. 1888, 436 § 10; 1890, 386 § 3; 1892, 124; 1893, 417 §§ 260, 345.

SECTS. 64, 66-68, 70, 73, 74, 77-81, 83, 84, 86, 87, 89-91, 93, 94, 97, 98 are repealed. St. 1893, 417 § 345. (See 1894, 16, 132.)

SECTS. 71, 72, 75, 76, 82, 85, 88, 92, 95, 96, 99-128 are repealed, and laws as to powers and duties of town officers revised. St. 1893, 423. (See 1886, 295; 1888, 221; 1889, 98, 178; 1893, 60.)

Women may be chosen overseers of the poor. St. 1886, 150. Or assistant town or city clerk. St. 1895, 142.

Provision for town auditors. St. 1893, 417 § 266; 423 § 20. (See 1886, 295; 1888, 221; 1889, 191; 1890, 254.)

For sewer commissioners. St. 1893, 304, 417 § 266. (See 1893, 423 § 24.)

For a superintendent of streets. St. 1893, 423 § 25. (See 1889, 98, 178.)

For a single highway surveyor. St. 1895, 374. (See 1893, 417 § 266, 423 § 21; 1894, 17.)

Boards of health. St. 1894, 218, 473; 1895, 398, 508. (See 1885, 307.)

Commissioners of public burial grounds. St. 1890, 264.

Assistant town clerks. St. 1893, 423 § 4. (See 1893, 60; 1895, 142.)

Town officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1891, 340.

SECT. 85. Police officers may be assigned to agricultural and horticultural exhibitions. St. 1892, 180.

Special officers for emergencies must be residents of the Commonwealth. St. 1892, 413.

SECT. 95 *et seq.* Town clerks shall give bonds to account for moneys received for dog licenses. St. 1888, 320. (See 1888, 308.)

Shall make returns of votes on acceptance of acts by the town. St. 1883, 100. (See 1890, 175, 423 § 155; 1893, 417 § 203; 1894, 132.)

Shall notify commissioners of prisons of appointment of certain police officers and constables. St. 1892, 290.

SECTS. 102-104. Form of oath modified. Provision to punish fraud in valuations. St. 1885, 355.

SECT. 112 *et seq.* Town clerks shall return names of constables to clerks of county courts within seven days after they qualify. St. 1889, 384.

SECT. 129. Superior court given concurrent jurisdiction. St. 1891, 293.

SECT. 130 applies to St. 1893, 423 § 41.

Chapter 28. — Of Cities.

General provision is made for the establishment of city governments. St. 1892, 377.

Words "mayor and aldermen" defined. St. 1882, 164.

Provision made for acting mayor in case of death, absence, etc., of mayor. St. 1882, 182.

Deposits of city moneys regulated. St. 1893, 266.

City officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1891, 340.

City clerks shall notify secretary of the Commonwealth of vote on acts to take effect on acceptance. St. 1883, 100.

And of changes in wards and polling places. St. 1893, 417 § 105. (See 1884, 279 § 4; 1886, 78; 1888, 437; 1890, 423 § 71.)

And send him attested copies of records of votes for State officers. St. 1893, 417 § 179. (See 1890, 175, 423 § 155.)

They must return to clerks of courts names of constables elected or appointed. St. 1889, 384.

And must notify prison commissioners of appointment of certain police officers and constables. St. 1892, 290.

Cities may lay out lands for public parks. St. 1882, 154; 1890, 240; 1893, 300. (See 1893, 75, 416.) And for preservation of forests or preservation of water supply. St. 1882, 255. May establish and maintain public play-grounds. St. 1893, 225. And lease open spaces for play-grounds. St. 1893, 331. (See 1885, 157; 1893, 300 § 6.)

May lease public buildings, except school-houses, to grand army or veteran firemen's associations. St. 1885, 60; 1891, 218.

May appropriate money for enforcement of civil service laws. St. 1887, 345. And for certain anniversary celebrations. St. 1892, 166.

May indemnify police officers for injuries or expenses incurred while acting as such. St. 1888, 379. And persons required to assist them. St. 1893, 186.

May pay interest on public gifts in certain cases. St. 1895, 217.

May, by ordinance, require all fees, charges and commissions allowed to officials to be paid into the treasury. St. 1888, 308. Regulate sale of prepared wood, slabs and edging. St. 1891, 136. And width of tires on vehicles owned in the city. St. 1895, 296. Provide for inspection of ice sold within the city. St. 1895, 338. For making all drains and sewers main drains and common sewers. St. 1895, 227.

May contract for disposal of garbage, refuse, etc. St. 1889, 377.

May adopt the act requiring appropriations for exterminating insect pests. St. 1893, 78.

May furnish military or State aid to soldiers and sailors. St. 1889, 279, 301. Shall support certain soldiers and sailors and their families. St. 1890, 447; 1893, 237, 279. (See 1888, 438; 1889, 298.) Shall provide

for treatment of indigent persons suffering from contagious or infectious venereal diseases. St. 1895, 400. (See 1894, 511.)

May expend money for watering streets and assess the whole or part of the expense on abutters. St. 1891, 179. (See 1890, 365.)

May take land for purification and disposal of sewage. St. 1890, 124.

May manufacture and distribute gas and electricity on certain conditions. St. 1891, 370; 1892, 259; 1893, 454; 1894, 182, 432, 448, 533.

Cities having a water supply may contribute with other cities and towns to construct a sewerage system to protect purity of supply. St. 1888, 160.

Tenure of police officers established in certain cities. St. 1890, 319.

Members of the police may be pensioned in cities containing not less than seventy-five thousand inhabitants. St. 1892, 378. (See 1892, 353; 1893, 51.)

Police matrons and houses for detention of women are required in certain cities. St. 1887, 234; 1888, 181.

SECT. 6. Any item in an ordinance or vote involving an appropriation of money, or raising a tax, may be separately vetoed. St. 1885, 312 § 3.

SECT. 7. Mayor may not vote in board of aldermen or joint convention. St. 1882, 180.

SECT. 11. Police officers may be assigned to agricultural or horticultural exhibitions. St. 1892, 180.

SECTS. 14-16. New division of wards in cities provided for. St. 1893, 417 § 96. (See 1884, 125, 181 § 9, 299 § 3; 1885, 156; 1886, 78, 283; 1888, 437.)

SECT. 19. See St. 1885, 159 § 3.

SECT. 23. No member of a city council is eligible by the city council or either branch thereof to any office the salary of which is paid from the city treasury. St. 1886, 117.

SECT. 25. Selectmen in towns may make these rules, etc. St. 1885, 197. (See 1895, 296.) And to regulate and control street musicians and coasting. St. 1892, 390.

Chapter 29. — Of Municipal Indebtedness.

“Net indebtedness” is defined. St. 1883, 127.

SECT. 4. The limit of the city debts is reduced. St. 1885, 312. (See 1885, 178; 1892, 178; 1893, 23, 225 § 3, 247.)

Exception made in certain cases. St. 1886, 178, 254, 304; 1887, 312; 1888, 73, 144, 185, 229, 392; 1889, 68, 157, 172, 176, 283 § 4; 1890, 65, 120, 121, 135, 142, 203, 258, 271, 355, 357 § 10, 424, 444; 1891, 27, 150, 212, 230, 301, 316, 323, 324; 1892, 42, 45, 150, 153, 155, 247, 367; 1893, 37, 52, 101, 110, 128, 141, 167, 233, 245, 250, 269, 341, 449, 489 § 20; 1894, 85, 89, 92, 99, 177, 201, 208, 210, 212, 234, 244, 286, 293, 310, 323, 339, 340, 344, 346, 396, 403, 405; 1895, 36, 47, 74, 85, 98, 99, 130, 150, 151 § 5, 221, 241, 274, 325, 331, 333, 346, 357, 386, 395, 417, 433, 455.

Damages for alteration of grade crossings are excepted. St. 1892, 178.

SECT. 6. Temporary loans in anticipation of taxes are limited. St. 1885, 312 § 4; 1889, 372.

They must be payable within one year. St. 1891, 221. They shall not be considered in determining the limit of indebtedness. St. 1893, 23.

SECTS. 7, 8. Issuing bonds, notes or scrip for city or town debts is authorized. St. 1884, 129; 1892, 245 § 7. (See 1889, 166; 1891, 321.)

SECT. 8 amended. Word "thirty" substituted for "twenty" in fourth line. St. 1892, 245 § 6. (See 1893, 225 § 3.)

Time for payment of "other debts" extended in certain cases. St. 1889, 166; 1891, 321; 1894, 421.

SECT. 9. Fixed annual appropriations may be made as a substitute for a sinking fund. St. 1882, 133.

SECT. 11 is extended. St. 1894, 146. Provision for reissue of bonds not due held in sinking funds for payment of bonds becoming due. St. 1895, 243.

Sinking funds for sewer debts regulated. St. 1892, 245 § 9.

SECT. 15. Management of surplus accumulations of State sinking funds regulated. St. 1891, 259.

Chapter 30.—Of Aid to Soldiers and Sailors and to their Families.

This chapter is repealed, and the law as to State and military aid revised and extended. St. 1890, 447; 1893, 237; 1894, 279, 301. (See 1884, 34; 1885, 173, 204, 214; 1886, 39, 110; 1887, 122; 1888, 438; 1889, 279, 298, 301. Res. 1892, 84.)

Cities and towns must furnish relief to certain soldiers and sailors and their families. St. 1890, 447; 1893, 237. (See 1888, 438; 1889, 298.)

Provision is made for burial of deceased indigent soldiers, sailors and marines. St. 1889, 395; 1892, 184; 1894, 62.

Grand army posts may distribute aid to soldiers. St. 1885, 189.

An agent for settlement of pension, bounty and back pay claims provided for. St. 1888, 396; 1891, 196.

Appointment of State trustees for the soldiers' home provided for. St. 1889, 282. (See 1890, 373.)

SECT. 1. Salary of third commissioner fixed. St. 1892, 291. (See 1885, 214; 1889, 279 § 9.)

Chapter 31.—Of the Census, the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

Special enumeration provided for in certain cases. St. 1892, 280; 1894, 334.

Certain useless papers may be burned. St. 1887, 43.

SECTS. 1-12 are revised. St. 1894, 224. (See 1884, 181.)

SECTS. 13-16. Additional statistics are required. St. 1886, 174; 1894, 332. (See 1884, 181; 1885, 156; 1888, 437 § 6; 1892, 280.)

The report of the board may be in parts. St. 1890, 97.

Publication of a bulletin authorized. St. 1895, 290.

A second clerk is provided for. St. 1884, 4.

Clerks' salaries fixed. St. 1888, 115. (See 1884, 4.)

SECT. 17 is amended. St. 1886, 101 § 4.

Chapter 32.—Of the Registry and Return of Births, Marriages and Deaths.

Standard record inks are required. St. 1894, 378.

SECT. 1. Provision made for further particulars in records of deaths. St. 1887, 202; 1890, 402. (See 1889, 208.)

Depositions may be filed to complete or correct records and new copies made. Penalty imposed for false return. St. 1892, 305; 1894, 402.

Returns of births and deaths of residents of other towns to be made to and recorded in such towns. St. 1889, 208.

SECTS. 1, 2. See St. 1894, 206, 401, 409.

SECT. 3 is revised and further statements required in certain cases. St. 1888, 63, 306; 1889, 224; 1893, 263.

SECT. 4. Returns of sextons and undertakers shall be preserved and arranged for reference. St. 1887, 202.

SECTS. 5, 6. Additional requirements for removal, transportation and burial of bodies. St. 1883, 124; 1887, 335; 1888, 306; 1893, 263 § 2.

SECT. 7. Additional facts to be reported. St. 1883, 158. The words "except Boston" are stricken out. St. 1889, 288.

SECT. 10 amended. St. 1894, 206. (See 1894, 401, 409.)

SECTS. 11, 14-17. Special provisions for Boston. St. 1892, 314; 1894, 206.

Chapter 33.—Of Workhouses and Almshouses.

No person whose insanity has continued less than twelve months may be detained in an almshouse without remedial treatment. St. 1890, 414 § 2. (See 1886, 319 § 3.)

Chapter 35.—Of Fires, Fire Departments and Fire Districts.

Provision for allowance to families of firemen fatally injured at fires. St. 1893, 401.

Office and duties of State fire marshal established. St. 1894, 444; 1895, 452. (See 1886, 354; 1887, 231.)

Pensions provided for in Boston. St. 1892, 347. (See 1880, 107; 1888, 174.)

Assistance for the Massachusetts State firemen's association provided for. St. 1892, 177.

SECT. 1. Forest fire-wards are provided for. St. 1886, 296 §§ 2, 3.

SECTS. 10, 11 were repealed by St. 1888, 199, which was repealed by St. 1889, 451 § 8. (See 1886, 296 § 4; 1887, 214 § 16; 1891, 229.)

SECT. 28. Additional apparatus required. St. 1888, 310.

Board of fire engineers, or chief of fire department, shall investigate origin, etc., of fires. St. 1889, 451; 1891, 229.

SECT. 29. Selectmen may remove engineers after notice and hearing. St. 1886, 113.

SECT. 35. Penalties prescribed for violations of rules. St. 1888, 220.

SECT. 51. Hydrant and water service added. St. 1895, 295.

Chapter 36.—Of Fences and Fence Viewers, Pounds and Field Drivers.

SECTS. 1-19. Fences and like structures over six feet in height, maliciously erected, etc., are declared nuisances. St. 1887, 348.

Barbed wire fences are restricted. St. 1884, 272.

Chapter 37.—Of the Public Records.

A commissioner of public records is established, his duties prescribed and salary fixed. St. 1892, 333.

An act to prevent the destruction of public records. St. 1894, 356.

Provision for arranging and recording certain worn or indistinct records, etc. St. 1891, 225 ; 1892, 253.

Standard record inks are required. St. 1894, 378.

SECT. 1 is revised and quality of paper regulated. St. 1891, 281.

SECT. 3. Provision for additional accommodations. St. 1886, 207.

SECT. 5. Records of death may also be copied. St. 1887, 202.

SECTS. 5-7. Indexes of records are to be kept. St. 1885, 190.

SECTS. 14, 15. In Boston, city registrar shall perform duties of city or town clerk under these sections. St. 1892, 314 § 3.

SECT. 15. City or town clerk shall demand the records if not delivered. St. 1890, 227.

SECT. 16. Removal or mutilation of records of the Commonwealth is forbidden. St. 1890, 392.

The public records, books, papers and property of a city or town officer are to be demanded by, and delivered under oath to, his successor. St. 1891, 340.

Chapter 38.—Of Parishes and Religious Societies.

Provision is made for the incorporation and government of, and conveyance of property to, churches. St. 1887, 404 ; 1888, 326 ; 1891, 265 ; 1895, 105. (See 1884, 78 ; 1894, 126.)

Incorporated religious societies may make by-laws. St. 1888, 326.

SECT. 8. Term of office of committee or assessors regulated. St. 1894, 126.

SECTS. 18, 19. Religious societies shall not assess taxes except upon their pews. St. 1887, 419.

SECT. 21 is repealed. St. 1887, 419.

SECT. 43 is extended. St. 1886, 239.

Chapter 39.—Of Donations, and Conveyances for Pious and Charitable Uses.

SECT. 1. Churches may appoint trustees, who shall be a body corporate for the purposes of this section. St. 1884, 78. (See 1887, 404 ; 1891, 265.)

Real estate held by deacons may be conveyed to the church, if incorporated. St. 1887, 404 § 7.

Chapter 40.—Of Library Associations.

SECT. 6. Allowance made to county law libraries. St. 1882, 246.

SECT. 9 *et seq.* The election, powers and duties of trustees of free public libraries and reading rooms are regulated. St. 1888, 304 ; 1889, 112.

A board of library commissioners is provided for. St. 1890, 347. They are authorized to aid free libraries in certain towns. St. 1892, 255.

Chapter 41. — Of the Board of Education.

SECT. 8. Salary of the secretary of the board fixed. St. 1894, 176. (See 1885, 227.) Clerical and messenger service provided for. St. 1895, 132.

SECTS. 8, 11. See St. 1893, 86 § 2.

SECT. 12. The board has the management of the State normal school boarding-houses. St. 1891, 384. (See 1894, 457; 1895, 258.) And the supervision of the pupils in the Perkins institution and Massachusetts school for the blind. St. 1885, 118. It may establish an educational museum. St. 1894, 230. Shall provide for examination and certification of teachers. St. 1894, 329.

SECTS. 16, 17. The provisions for the instruction of deaf-mutes and deaf children are revised and extended. St. 1888, 239; 1889, 226. (See 1886, 241; 1887, 179.)

Chapter 43 — Of the School Funds.

SECTS. 1, 2. Certain payments into the fund are provided for. St. 1890, 335.

SECT. 3 is repealed. St. 1884, 22. The distribution of the income is revised. St. 1891, 177; 1893, 272. (See 1885, 227.)

Chapter 44. — Of the Public Schools.

No foreign flag or emblem may be displayed on a public school-house. St. 1895, 115. (See 1895, 181.)

Provision is made for a State nautical training school. St. 1891, 402; 1893, 124. And for textile schools in certain cities. St. 1895, 475.

Free scholarships in the Massachusetts institute of technology are provided for. Res. 1887, 103.

School committees of cities and towns maintaining free evening schools may provide free evening lectures. St. 1893, 208.

They shall furnish public schools with a national flag. St. 1895, 181. (See 1895, 115.)

Pretending in writing to hold a degree of a college or school, granting degrees without authority, and false assertions in writing of the approval by a college or professional school of a person, process or goods, are made criminal offences. St. 1893, 355.

SECT. 1. The use of tools and cooking may be taught. St. 1894, 320. (See 1884, 69.) Physiology and hygiene must be taught. St. 1885, 332. And manual training in certain cities. St. 1894, 471. Vivisection is forbidden and dissection restricted in public schools. St. 1894, 151.

SECTS. 1, 2. Evening schools and evening high schools are required in certain places. St. 1883, 174; 1886, 236. Notice of their opening must be given. St. 1887, 433 § 4. (See 1893, 208.)

A town not required to maintain a high school shall pay for the tuition and transportation of its children attending a high school in another town or city. St. 1894, 436. (See 1891, 263; 1895, 212.) And may pay for such tuition at an academy of equal grade in the same town. St. 1895, 94.

Schools shall be kept for at least eight months a year in towns of 4,000 or more inhabitants. St. 1894, 231.

The last session prior to Memorial day shall be devoted to exercises of a patriotic nature. St. 1890, 111.

SECT. 28. Diploma of a State normal school may be accepted in lieu of a personal examination of a teacher. St. 1891, 159.

Additional normal schools are provided for. St. 1894, 457; 1895, 258. Provision for examination and certification of teachers by the board of education. St. 1894, 329.

Teachers, after a year's service, may be appointed to serve during the pleasure of the committee. St. 1886, 313.

SECTS. 35-40 are repealed. Text-books, supplies, etc., are furnished free. St. 1884, 103; 1885, 161. (See 1884, 69; 1885, 67.)

SECTS. 41-46. The district system is abolished. St. 1882, 219. (See 1884, 122.)

SECTS. 44, 45. Provision to aid small towns to unite to employ a superintendent. St. 1888, 431; 1893, 200; 1894, 58. (See 1890, 379; 1891, 272; 1892, 301, 344, 360.)

Chapter 45. — Of School Districts.

The school district system is abolished. St. 1882, 219. But the right to sue or defend for districts is reserved. St. 1884, 122.

Chapter 46. — Of School Registers and Returns.

SECT. 3. See St. 1888, 348 § 7.

SECT. 15. The time for which payment is to cease is limited. St. 1891, 99.

Chapter 47. — Of the Attendance of Children in Schools.

This chapter is repealed, and the laws relating to school attendance and truancy are revised. St. 1894, 498. (See 1883, 174 § 3, 245; 1885, 71, 198; 1887, 433; 1888, 348; 1889, 135, 249, 422, 464; 1890, 48, 299, 309, 384; 1891, 317, 361, 426; 1892, 62; 1893, 253; 1894, 188.)

SECT. 9. Additional provisions to prevent introduction of contagious diseases into schools. St. 1884, 98; 1890, 102. (See 1884, 64.)

Exemption from vaccination allowed in certain cases. St. 1894, 515 § 2.

Chapter 48. — Of the Employment of Children and Regulations respecting Them.

The laws relating to the employment of children are revised. St. 1894, 508. (See 1882, 150; 1883, 157, 224; 1884, 275; 1885, 222, 305; 1885, 87; 1887, 103, 121, 173, 215, 218, 280, 330, 399, 422, 433; 1888, 149, 305, 348; 1889, 135, 229, 291; 1890, 48, 90, 183, 299; 1891, 239, 317, 350; 1892, 83, 210, 296, 330, 352, 357, 410.)

Children under ten shall not be permitted to enter street cars to sell newspapers, etc. St. 1889, 229.

SECTS. 8, 9 are repealed. St. 1894, 508 § 80. (See 1885, 305.)

Admission of children under thirteen to certain shows and places of amusement is restricted. St. 1887, 446.

Illegal peddling and begging by children are prohibited. St. 1887, 422. (See 1885, 305; 1892, 331.)

SECTS. 11-21 are repealed and the truant laws revised. St. 1894, 498.

SECTS. 18-27. Further provisions made for care, education and protection of neglected, destitute and abandoned children. St. 1882, 181, 270; 1883, 232; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1889, 230, 309; 1891, 194; 1892, 318; 1893, 197, 217, 252, 262. (See 1884, 210; 1886, 101; 1887, 441; 1889, 416.)

SECT. 19 is amended. St. 1883, 245.

SECT. 22 *et seq.* Provisions regulating infant boarding-houses and adoptions. St. 1889, 309, 416; 1891, 194; 1892, 318. (See 1882, 270 § 3; 1889, 416.)

Chapter 49. — Of the Laying Out and Discontinuance of Ways, and of Damages occasioned by the Taking of Land for Public Use.

A commission for improvement of public roads is provided for. St. 1893, 476. They may lay out and construct State roads. St. 1894, 497; 1895, 347. May furnish steam rollers to towns for construction of roads on certain conditions. St. 1895, 486.

A metropolitan park commission is established. St. 1893, 407. They are authorized to lay out roadways and boulevards connected with parks. St. 1894, 288.

Park commissioners are given certain powers in regard to highways connected with public parks. St. 1893, 300.

SECTS. 1, 10, 13. Towns may alter, etc., but not discontinue, county highways or bridges within their limits. St. 1891, 170.

Land may be taken for public parks. St. 1882, 154; 1890, 240. (See 1893, 225, 300, 331.)

For the cultivation or preservation of trees. St. 1882, 255.

And for the purification and disposal of sewage. St. 1890, 124.

Sewer and water pipes may be laid in ways before taking possession for construction. St. 1893, 65.

Spaces may be reserved in ways for certain special uses. St. 1894, 324.

SECTS. 6, 14 *et seq.* County commissioners may lay out, etc., highways under the betterment law, where accepted. St. 1887, 124. (See 1884, 226.)

They may determine locations of public landing places. St. 1882, 109.

SECT. 18. New provision made in regard to payment of damages. St. 1883, 253.

SECTS. 33, 79, 91 revised and extended. Time for application for a jury more particularly defined. St. 1892, 415.

SECT. 47. Officers' *per diem* for attendance fixed. St. 1882, 96.

SECTS. 84-86 are revised and methods of locating, laying out and constructing ways in Boston regulated. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494. (See 1893, 339, 478; 1894, 439; 1895, 449 § 23.)

SECT. 88. Provision for extending limit of time by agreement. St. 1893, 82.

SECT. 91. Application for jury may be brought within the time specified in section 33, notwithstanding the charter. St. 1892, 415 § 4.

SECT. 105. Petition for damages for land taken by a town in Dukes or Nantucket may be brought in Bristol county. St. 1887, 50. (See 1885, 384 § 1.)

SECT. 107. Auditors may be appointed in the discretion of the court. St. 1894, 175.

Chapter 50.—Of Sewers, Drains and Sidewalks.

A metropolitan system of sewerage is provided for. St. 1889, 439. (See 1891, 192; 1894, 307; 1895, 294.)

SECT. 1. Cities and towns may take land for the purification and disposal of sewage. St. 1890, 124. (See 1888, 160.)

SECTS. 1, 3-8. Construction of, and assessments for, sewers regulated. St. 1891, 97; 1892, 245; 1893, 65, 380; 1895, 117, 127, 227. In Boston. St. 1892, 402; 1894, 227, 256; 1895, 297, 494. (See 1886, 210; 1889, 456; 1890, 346; 1893, 304, 417 § 266.)

Provision made for enforcing connection with public sewers. St. 1889, 108; 1890, 132. (See 1892, 245 § 4.) And repair of private drains in streets. St. 1893, 312. Cities and towns may provide for making all drains and sewers main drains and common sewers. St. 1895, 227.

SECTS. 5, 7. Land sold may be redeemed as if sold for taxes. St. 1883, 145. The lien shall continue two years. St. 1886, 210. (See 1884, 237; 1891, 97; 1892, 245 § 1.) Real estate assessed, defined. St. 1894, 528.

SECT. 20. Construction of sidewalks in cities regulated. St. 1895, 441. (See 1891, 323; 1892, 401, 415, 418; 1893, 437; 1894, 82; 1895, 297, 494.)

SECT. 21. Barbed wire fences are restricted. St. 1884, 272.

SECT. 25. In cities which accept the act assessments may be apportioned into not more than ten annual instalments. St. 1891, 97; 1893, 380. (See St. 1892, 245 § 8.)

Chapter 51.—Of Betterments and other Assessments on Account of the Cost of Public Improvements.

This chapter applies to alterations of ways at railroad crossings. St. 1884, 280. And to laying out public parks. St. 1882, 154 § 7. (See 1893, 300 § 2.)

The authorities may agree to assume betterments if land owners will release damages. St. 1884, 226.

SECTS. 1-9. Extended to alterations, etc., of highways by towns. St. 1891, 170 § 3.

Assessments bear interest after thirty days and the lien continues for one year after determination of any suit to test their validity. St. 1884, 237. (See 1886, 210.)

SECT. 11. Notice of assessment of betterment must be given within three months to party to be charged. St. 1885, 299.

County commissioners may lay out, etc., highways under the betterment act, where accepted. St. 1887, 124. (See 1884, 226.)

Chapter 52.—Of the Repair of Ways and Bridges.

SECT. 10, as to trimming, etc., of trees, is revised. St. 1885, 123 § 2. (See 1890, 196; 1891, 49; 1892, 147; 1893, 78, 403.)

SECT. 19. Notice shall not be invalid for unintentional inaccuracy if party entitled to notice was not misled. St. 1882, 36; 1888, 114. Provision for correcting defects in notice. St. 1894, 389. Notice of defects consisting of snow or ice must be given within ten days. St. 1894, 422.

Words "in the superior court" stricken out. St. 1888, 114. (See 1882, 36.)

Chapter 53. — Of the Regulations and By-laws respecting Ways and Bridges.

The use of bicycles, etc., is regulated. St. 1894, 479.

Canals and waterways adjudged to be dangerous to public travel must be fenced. St. 1887, 393.

SECT. 1 revised. Guide posts shall be erected at forks and intersections of ways leading to other towns. St. 1887, 162.

SECTS. 11-14. The leading or driving of a bear or other dangerous wild animal upon the highway is forbidden. St. 1894, 105.

SECT. 13 *et seq.* Certain rights of way in the streets, etc., are given to the police in Boston. St. 1889, 57.

Cities and towns may regulate width of tires on vehicles owned therein. St. 1895, 296.

Selectmen in towns may regulate vehicles in streets. St. 1885, 197. And street musicians and coasting. St. 1892, 390.

SECT. 16 amended. St. 1892, 390.

SECT. 18. County commissioners may regulate the speed at which persons may ride or drive over certain bridges. St. 1888, 313. (See 1882, 108.)

SECT. 28 *et seq.* See St. 1889, 246; 1890, 118.

Chapter 54. — Of the Boundaries of Highways and other Public Places and Encroachments thereon.

Provision for establishment of a building line on public ways. St. 1893, 462.

An act to protect trees from disfigurement. St. 1893, 403.

Erection and maintenance of posts, wires and structures in highways regulated. St. 1884, 302, 306; 1889, 398, 434. (See 1883, 221.) And advertising signs on posts in Boston. St. 1895, 352.

Barbed wire fences are restricted. St. 1884, 272.

SECTS. 6-11. Further provisions for planting, cutting, trimming and preservation of shade trees. St. 1885, 123; 1890, 196; 1891, 49; 1892, 147. (See Res. 1886, 32. St. 1893, 78, 403.)

SECTS. 9 and 12 are repealed. St. 1885, 123 § 3.

SECT. 16. See St. 1893, 75.

Chapter 56. — Of the Inspection and Sale of Butter, Cheese, Lard, Fish, Hops, Leather, and Pot and Pearl Ashes.

A uniform standard is established for certain weights and measures. St. 1894, 198.

Provision made for a State dairy bureau and protection of dairy products. St. 1891, 412; 1892, 139.

SECTS. 3-21. Sale of imitations of butter regulated. St. 1886, 317; 1891, 58, 412; 1894, 280. (See 1882, 263; 1884, 310; 1885, 352.)

Sale of adulterated lard regulated. St. 1887, 449.

SECT. 20. Powers and duties of inspectors increased. St. 1884, 310 § 2; 1885, 352 § 5; 1891, 58 § 2. (See 1882, 263.)

SECT. 22 *et seq.* Public weighers of salt-water fish provided for. St. 1888, 163.

Chapter 57.—Of the Inspection and Sale of Milk.

Municipal, district and police courts and trial justices are given jurisdiction under this chapter. St. 1885, 149. (See 1893, 396 § 40.)

Provision is made for a State dairy bureau and protection of dairy products. St. 1891, 412; 1892, 139.

This chapter is not repealed or amended by St. 1882, 263. St. 1884, 289 § 4.

SECT. 2 is revised and powers and duties of inspectors modified. St. 1884, 289, 310 §§ 3, 4; 1885, 352 §§ 4, 5; 1886, 318; 1891, 58 § 3; 412 § 10.

SECTS. 5, 7, 9 are revised. Additional provisions against adulteration of milk. St. 1884, 289, 310; 1885, 352; 1886, 318; 1891, 412. (See 1882, 263; 1889, 326.)

An act to protect owners of cans used in sale of milk, cream, etc. St. 1893, 440.

SECT. 8. It is made an offence to obstruct an inspector. St. 1884, 310 § 5. And to counterfeit his seal or tamper with samples. St. 1888, 318 § 4. And to wilfully deface and misuse milk cans. St. 1885, 133.

SECT. 12 is repealed. St. 1885, 145.

Chapter 58.—Of the Inspection and Sale of Provisions and Animals intended for Slaughter.

This chapter is repealed and the laws relating to contagious diseases among domestic animals are revised and codified. St. 1894, 491; 1895, 476, 496. (See 1884, 232; 1885, 148, 378; 1887, 250, 252; 1892, 195, 432; 1893, 306.)

Further provisions to prevent adulteration of food and drugs. St. 1882, 263; 1884, 289; 1886, 171. (See 1883, 263.)

The sale of dressed poultry is regulated. St. 1887, 94. (See 1883, 230.)

Chapter 59.—Of the Inspection and Sale of Certain Oils.

SECTS. 6, 7. Provision is made to regulate preparation, storage, inspection and sale of certain unsafe oils, and kerosene and petroleum products, and the erection of buildings therefor. St. 1885, 98, 122; 1894, 399. (See 1882, 250.)

Chapter 60.—Of the Inspection and Sale of Various Articles.

A uniform standard is established for certain weights and measures. St. 1894, 198.

Dealers in ice must provide each wagon with scales and weigh ice when requested. St. 1890, 276.

SECTS. 11-16 are repealed and new provisions made. St. 1888, 296.

SECT. 17 is repealed. St. 1883, 29.

SECT. 20. A standard measure for cranberries is established. St. 1884, 161. (See 1883, 225; 1890, 426.)

SECTS. 21, 22 are revised and other articles added. St. 1888, 414; 1894, 198 § 6. (See 1890, 465.)

SECTS. 54, 55 are repealed. St. 1894, 111.

SECTS. 56, 57 are revised and sections 58-60 repealed. Wire nails are included. Penalties and forfeitures regulated. St. 1892, 63.

SECTS. 61, 67. See St. 1894, 198.

SECTS. 69-71. Provisions against adulteration of vinegar and for compensation of inspectors. St. 1883, 257; 1884, 163, 307; 1885, 150.

SECTS. 72-78. Cities may regulate sale by the load of prepared wood, slabs and edgings. St. 1891, 136. Measurers may be licensed by an adjoining town. St. 1894, 83 § 2.

SECTS. 79-82. Sale of coal by measure regulated, and standard ton established. St. 1894, 429. (See 1883, 218, 225; 1884, 70.)

Chapter 61. — Of the Inspection of Gas and Gas Meters.

A board of gas and electric light commissioners is established and their powers and duties prescribed. St. 1885, 314; 1886, 346; 1887, 382, 385; 1888, 350; 1889, 373; 1891, 370; 1892, 259, 263; 1894, 327, 503; 1895, 463. (See 1888, 428; 1891, 351.)

Clerk's salary fixed. St. 1891, 351; 1894, 503.

The manufacture, sale and inspection of gas and electric light regulated. St. 1885, 240, 314; 1886, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169; 1890, 252; 1891, 370; 1892, 67, 259, 263, 274; 1893, 454; 1894, 299, 316, 327; 1895, 228, 330, 350, 420. (See 1886, 250; 1887, 391 § 2; 1890, 404.)

SECT. 1 amended. Tenure of office regulated. St. 1889, 169.

SECTS. 13, 14 do not apply to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 14 amended. St. 1892, 67. (See 1886, 250; 1890, 252.)

SECTS. 16-18 extended to electric lighting. St. 1894, 316; 1895, 330.

Chapter 63. — Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECTS. 1-5, 16, 19 are revised. St. 1890, 159.

SECTS. 6, 7. Surveyors may be licensed to survey lumber in an adjoining town. St. 1894, 83.

Chapter 65. — Of Weights and Measures.

A uniform standard of certain weights and measures is established. St. 1894, 198; 1895, 28.

The weights, measures and balances to be kept by counties, cities and towns are defined and inspection provided for. St. 1890, 426.

The sale of coal by measure regulated and standard ton fixed. St. 1894, 429. (See 1883, 218; 1884, 70.)

SECT. 8. Sealers are to be appointed in cities by mayor and aldermen. St. 1882, 42.

SECT. 21. Unlawful measures may be seized. Their possession implies unlawful intent. St. 1883, 225.

SECTS. 27, 29. See St. 1894, 198; 1895, 28.

Chapter 67. — Of Auctioneers.

SECTS. 1, 5 are revised. St. 1886, 289.

Certain veteran soldiers and sailors are exempted from payment of license fee. St. 1895, 456.

SECT. 6 amended and auction sales further regulated. St. 1890, 449; 1891, 144. (See 1886, 289.)

Chapter 68. — Of Hawkers and Peddlers.

SECT. 1. Itinerant vendors must be licensed. Sales by them regulated. St. 1890, 448; 1894, 525. (See 1883, 168; 1885, 309; 1887, 422, 445; 1890, 449; 1891, 144.)

Provision to prevent illegal peddling by minors. St. 1887, 422; 1892, 331. (See 1885, 305.) And peddling near licensed picnic groves. St. 1887, 445. (See 1885, 309.)

SECTS. 1, 2. Cities may regulate sale by hawkers and peddlers of any articles mentioned in section one. St. 1883, 168.

SECT. 2. New provisions made for licensing minors and regulating sales by them. St. 1892, 331. (See 1887, 422.)

SECTS. 4, 9. Licenses may be granted to persons over seventy years of age. St. 1883, 118. And to certain honorably discharged soldiers and sailors. St. 1889, 457.

SECT. 17. See St. 1890, 448.

Chapter 69. — Of Shipping and Seamen, Harbors and Harbor Masters.

Copy of registers of foreign vessels must be filed with commissioner of corporations and the commissioner appointed agent to receive service of legal process. St. 1889, 393. (See 1884, 330.)

SECTS. 1-9. Provision made for transportation of shipwrecked seamen. St. 1886, 179.

SECT. 8. Clause as to advance wages stricken out. St. 1889, 284.

SECT. 11. Harbor lines established: Boston; St. 1882, 48; 1891, 309. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109. (See 1885, 315.) Haverhill; 1883, 104.

SECT. 23. Further provisions for protection of harbors, beaches and shores. St. 1884, 269; 1892, 206. Boston; 1892, 358. Marblehead; St. 1892, 214.

SECT. 25. Provision for assistant harbor masters. St. 1882, 216. (See 1884, 173.)

Appointment of harbor masters in Boston regulated. St. 1889, 147.

SECTS. 26, 29, 33. Powers of harbor masters extended. St. 1884, 173.
Regulations made for Gloucester harbor. 1885, 315.
SECT. 33 extended to sections 23-32. St. 1884, 173.

Chapter 70.—Of Pilots and Pilotage.

Additional pilots provided for. St. 1882, 174; 1887, 298.
Pilotage fees established: Cohasset; St. 1887, 298. Salem and Beverly; 1887, 204. Winthrop; 1892, 114. Wood's Holl; 1889, 275. (See 1888, 288.)
SECT. 12. The pilots shall be "for any or all of said ports." St. 1890, 300.
SECTS. 26-32. Certain exemptions from fees are made. St. 1884, 213, 252.
SECT. 30. Limit extended. St. 1884, 252 §§ 2, 3.
SECT. 39. It is forbidden to assume or continue to act, without authority, as a pilot. St. 1884, 252 § 6.

Chapter 72.—Of Public Warehouses.

SECT. 2. Bond and sureties are to be approved by the governor. St. 1885, 167.
SECT. 5. Provision for non-negotiable receipts assignable only on the books of the warehouseman. St. 1886, 258.
SECTS. 8, 10 amended. St. 1895, 348.
SECT. 10. Goods may be sold to pay charges a year overdue. St. 1887, 277; 1895, 348 § 6. Sale of perishable and dangerous goods provided for. St. 1895, 348.

Chapter 73.—Of Common Carriers and Express Companies.

An act to protect the business of licensed carriers of goods for hire. St. 1895, 481.

Chapter 74.—Of the Employment of Labor.

A State board of arbitration and conciliation is established. St. 1886, 263; 1887, 269. Clerk provided for. St. 1888, 261. And expert assistants. St. 1890, 385; 1892, 382.

A board is established to consider the subject of the unemployed. St. 1894, 238.

Employment in the civil service is regulated. St. 1884, 320; 1887, 364, 437; 1888, 41, 253, 334; 1889, 177, 183, 351, 352, 473; 1891, 140; 1893, 95, 253; 1894, 267, 519; 1895, 501. (See 1895, 376.)

Provision for appointment of a registrar of labor. St. 1895, 376.

It is made an offence to compel any person, as a condition of employment, to agree not to join a labor organization. St. 1892, 330.

Workmen employed by a contractor on public work for a city or town may sue the city or town for their wages, on certain conditions. St. 1892, 270.

Provision to prevent persons not residents of the Commonwealth acting as officers to protect property of employers of labor. St. 1892, 413.

Provision for authorizing bells, gongs and whistles for factories, etc. St. 1883, 84.

Leave of absence to vote provided for. St. 1893, 417 § 3. (See 1887, 272; 1890, 423 §§ 143, 144.) Influencing or punishing vote of employees is forbidden. St. 1893, 417 § 337; 1894, 209.

SECTS. 1, 2, 3 are repealed and the laws relating to employment of labor are revised and consolidated. St. 1894, 508, 534; 1895, 129, 144, 438. (See 1882, 150; 1884, 275; 1886, 87; 1887, 103, 121, 173, 215, 218, 269, 280, 330, 363, 399, 433; 1888, 149, 305, 348, 426 § 1; 1889, 135, 291; 1890, 48, 90, 183, 299, 375; 1891, 125, 239, 317, 350, 357; 1892, 83, 210, 296, 330, 352, 357, 410; 1893, 246, 386, 406; 1894, 209, 437; 1895, 471.)

Specification of work is required in textile factories. St. 1894, 534; 1895, 144. (See 1887, 361; 1891, 125; 1892, 410.)

SECT. 3. Liability of employers for injuries to employees extended and regulated. St. 1886, 260; 1887, 270; 1888, 155; 1890, 83; 1892, 260; 1893, 111, 359; 1894, 499; 1895, 362 § 7. (See 1883, 243; 1886, 140, 173; 1890, 179.)

SECT. 4. Hours of labor regulated in certain cases. St. 1894, 508 §§ 7-14. (See 1883, 157; 1884, 275; 1886, 90; 1887, 215, 280, 330; 1888, 348 §§ 1, 2; 1890, 183, 375; 1891, 350; 1892, 83, 352, 357; 1893, 386, 406.)

Chapter 75.—Of Limited Partnerships.

SECT. 3. Name of a former firm may be used with consent of its members. St. 1887, 248 § 1.

SECTS. 7, 8, 12 amended. Interest and liability of special partners regulated. St. 1887, 248.

Chapter 76.—Of the Use of Trade-marks and Names.

An act to protect owners of cans, bottles, etc., used in sale of milk, cream, soda water and other beverages. St. 1893, 440. And to protect use of labels, trade-marks and forms of advertising. St. 1895, 462. (See 1890, 104; 1893, 443; 1894, 285.)

Sale of goods marked sterling, or coin silver, regulated. St. 1894, 292

Chapter 77.—Of Money, Bills of Exchange, Promissory Notes and Checks.

SECT. 1. The par of exchange established by United States Rev. Sts. § 3565 is adopted. St. 1882, 110.

SECT. 3 is not repealed by St. 1888, 388.

Interest on and discharge of small loans regulated. St. 1888, 388; 1892, 428. (See 1890, 416.)

No written promise to pay money shall be held not to be a promissory note or not negotiable because time of payment is uncertain, if it is payable in any event. See 1888, 329.

SECT. 8 *et seq.* When Christmas falls on a Sunday the next day is a holiday. St. 1882, 49. Fast day abolished and April 19th made a holiday. St. 1894, 130.

The first Monday of September is "labor's holiday." St. 1887, 263.

Presentment of bills and notes on holidays regulated. St. 1894, 333.
(See 1894, 427; 1895, 415.)

Provision made for payment of checks, drafts, etc., presented after death of drawer. St. 1885, 210.

SECT. 17 amended. Banking hours on Saturday regulated. St. 1895, 415.

Chapter 78.—Of the Prevention of Frauds and Perjuries.

No agreement to make a will, devise or legacy is binding unless in writing. St. 1888, 372.

Chapter 79.—Of the State Board of Health, Lunacy and Charity.

The board is divided into a board of health, and a board of lunacy and charity. St. 1886, 101.

Salary of secretary fixed. St. 1889, 370.

The board of health is given general supervision of inland waters and sources of water supply. St. 1888, 375; 1890, 441 § 1. (See 1884, 154; 1886, 274; 1889, 439.) And of vaccine institutions. St. 1894, 355.

It may forbid sale of impure ice. St. 1886, 287. (See 1895, 338.)

Appropriation for enforcing laws against adulterations increased. St. 1891, 319. (See 1882, 263 § 5; 1883, 263; 1884, 289 § 1.)

It must report prosecutions and expenditures. St. 1884, 289 § 2.

The governor may appoint a special officer to assist in cases of deserted and unprotected children. St. 1895, 310. (See 1885, 158.)

SECT. 9. Classes of inmates who may be removed specified. St. 1887, 367. (See 1886, 219, 319; 1887, 346.)

SECT. 13 amended. St. 1894, 196.

Chapter 80.—Of the Preservation of the Public Health.

A metropolitan system of sewerage is provided for. St. 1889, 439; 1895, 406. (See 1891, 192; 1894, 307; 1895, 294.) And water supply. St. 1895, 488. And parks. St. 1893, 407; 1894, 288; 1895, 450. And improvement of Charles river. St. 1893, 475.

Provision made to prevent adulteration of food and drugs. St. 1882, 263; 1884, 289; 1886, 287; 1891, 319. (See 1883, 263; 1891, 374, 412.)

To prevent sale of toys or confectionery containing arsenic. St. 1891, 374.

To prevent sale of impure ice. St. 1886, 287. (See 1895, 338.)

To prevent manufacture of clothing in unhealthy places. St. 1894, 508 §§ 44-48. (See 1891, 357; 1892, 296; 1893, 246.)

To prevent feeding of garbage, refuse or offal to milch cows. St. 1889, 326. Or to food animals. St. 1895, 385.

To authorize and regulate crematories. St. 1885, 265.

To abate nuisances by smoke in Boston. St. 1895, 389. (See 1893, 353.)

For suppression of contagious diseases among cattle. St. 1884, 232; 1887, 250; 1894, 491; 1895, 476, 496. (See 1885, 148, 378; 1887, 252; 1892, 195, 432; 1893, 306.)

For registration and regulation of pharmacists. St. 1885, 313; 1887, 267; 1893, 227, 472. And of dentists. St. 1887, 137. And plumbers. St. 1888, 105; 1893, 477; 1894, 455; 1895, 453. (See 1882, 252 § 2;

1892, 419 §§ 120, 138.) And of physicians and surgeons. St. 1894, 458; 1895, 412. And for licensing and regulating stables in cities. St. 1891, 220; 1895, 213.

Supreme judicial court in equity may enforce provisions of this chapter and acts in addition thereto. St. 1893, 460.

SECTS. 1, 53, 93 amended. St. 1886, 101 § 4.

SECTS. 2, 21, 28-35 amended; section 3 repealed, and provision made for election of boards of health in towns. St. 1894, 218, 473; 1895, 398, 508. (See 1885, 307.)

SECT. 8 is revised. St. 1895, 332. (See 1894, 174.)

SECT. 10. Local boards may close places of burial. St. 1885, 278 § 1.

SECT. 12. Provisions for regulation of house drainage and connection with public sewers. St. 1889, 108; 1890, 74, 132.

SECTS. 21-23. Privy vaults are restricted in cities. St. 1890, 74.

SECT. 28. Expenditure under this section, without a previous appropriation, is limited. St. 1887, 338 § 1.

SECTS. 30-32. Right given of appeal and trial by jury, as in case of land taken for highways. St. 1887, 338 §§ 2, 3.

SECTS. 51-55 repealed. New provisions made in regard to vaccination. St. 1894, 515.

SECT. 60. Further provisions regulating infant boarding-houses and adoptions. St. 1889, 309; 1891, 194; 1892, 318. (See 1882, 270; 1885, 176; 1889, 416; 1893, 262.)

SECT. 69 amended. St. 1893, 79.

SECT. 70. Massachusetts homœopathic hospital aided, and appointment of trustees provided for. St. 1890, 358.

SECTS. 78, 79 are repealed and new provisions made as to notices and reports of contagious diseases. St. 1883, 138; 1884, 98; 1890, 102; 1891, 188; 1893, 302. Provision for hospital accommodations in cities. St. 1894, 511. And for treatment of indigent persons suffering from contagious or infectious venereal diseases. St. 1895, 400. (See 1895, 483, 503.)

SECT. 83 amended. St. 1886, 101 § 4. (See 1883, 138; 1893, 302.)

SECTS. 88-91 amended. Appeals and proceedings regulated. St. 1889, 193. (See 1883, 133.)

SECT. 92. Consent of common council required in cities. St. 1893, 106.

SECT. 96 *et seq.* Further provision made to protect the purity of inland waters and sources of water supply. St. 1884, 154, 172; 1888, 160, 375; 1890, 441. (See 1886, 274; 1893, 407.)

A metropolitan sewerage system is established. St. 1889, 439.

SECTS. 98-100 are repealed. St. 1884, 154.

SECTS. 103-105 are repealed. St. 1891, 120.

Chapter 81. — Of the Promotion of Anatomical Science.

SECT. 1. Change made in persons by whom permits may be given. St. 1891, 185, 406.

SECT. 3 repealed. St. 1891, 185.

SECT. 4. Friends have three days to ask for burial. St. 1891, 185 § 2.

Chapter 82.—Of Cemeteries and Burials.

Provision made for commissioners of burial grounds in towns. St. 1890, 264.

Cremation of the dead authorized and regulated. St. 1885, 265.

Change of corporate name provided for. St. 1891, 360; 1892, 198, 201.

SECT. 3 is repealed and new provisions made defining rights of widows and children in burial lots and tombs. St. 1885, 302; 1892, 165. (See 1883, 262.)

SECT. 6. Conveyances need be recorded only in the records of the corporation. St. 1883, 142; 1889, 299.

Records must be kept of all conveyances and contracts in relation to lots. St. 1889, 299. (See 1883, 142.)

SECT. 17. Towns and cities may receive funds for care, improvement and maintenance of burial places and lots. St. 1884, 186; 1890, 264 § 4.

SECT. 19. Boards of health may close any place of burial. St. 1885, 278 § 1.

SECT. 24. To sustain an appeal the jury must find that the closing was not necessary for the protection of the public health. St. 1885, 278 § 2.

SECTS. 25-28 are repealed. St. 1885, 278 § 3.

Chapter 84.—Of the Support of Paupers by Cities and Towns.

Provision is made for remedial treatment of recently insane paupers. St. 1886, 319 § 3.

False representations for the purpose of causing any person to be supported as a pauper are made an offence. St. 1891, 343.

Provision made for custody and care of pauper children. St. 1882, 181; 1883, 232, 245; 1886, 330; 1887, 401; 1888, 248; 1889, 230; 1893, 197, 217, 252.

SECT. 2. See St. 1890, 414; 1893, 423 § 12.

SECT. 3 is extended to towns. St. 1893, 197. The State board of lunacy and charity may act in certain cases. St. 1887, 401; 1893, 197 § 2. (See 1889, 230 § 2.)

SECT. 6. The pauper and his estate are made liable for expenses incurred for him. St. 1882, 113.

SECTS. 14-18. Transportation of destitute shipwrecked seamen provided for. St. 1886, 179.

SECT. 17. Overseers shall bury unclaimed or unidentified bodies upon which inquests have been held. St. 1887, 310 § 3.

Burial of deceased indigent soldiers, sailors and marines provided for. St. 1889, 395; 1892, 184.

The sums which may be paid for burial of paupers are increased. St. 1890, 71.

SECT. 18. Period for which aid may be furnished increased. St. 1891, 90 § 1.

SECTS. 18, 21, 35 amended. St. 1886, 101 § 4.

SECT. 19 is revised. St. 1895, 445.

SECT. 20. Towns and cities may contract with hospitals for temporary care of the unfortunate and sick. St. 1890, 119.

SECT. 21 amended. St. 1883, 232 § 1. (See 1882, 181, 270; 1883, 245; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1893, 217.)

SECT. 29. Removal by overseers to be made within one month after notice. St. 1891, 90 § 2.

Chapter 85.—Of the Maintenance of Bastard Children.

SECT. 1. Clerk of court may receive complaint and issue warrant. St. 1885, 289.

SECT. 2 amended. St. 1886, 101 § 4.

SECT. 6. Accused may be committed until bond be given. Provision for approval of bond. St. 1891, 367.

Chapter 86.—Of Alien Passengers and State Paupers.

SECT. 1 amended. St. 1886, 101 § 4.

SECT. 13. A new board for both almshouse and workhouse is established and regulated. St. 1884, 297; 1891, 299.

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, 278.

SECT. 21. Change made in persons who may give certificates. St. 1891, 84.

SECT. 22 *et seq.* The removal of sick paupers is further regulated. St. 1885, 211; 1887, 440.

SECTS. 26, 31. Further requirements as to bills charged to the Commonwealth. St. 1885, 211; 1891, 153.

SECT. 28 was repealed by St. 1883, 239, which was again repealed and new provisions made by St. 1886, 298. (See 1884, 88.)

SECT. 31. See St. 1885, 211.

SECT. 37 is extended to persons not being sentenced inmates. Complaints regulated. St. 1884, 258. (See 1886, 101 § 4.)

SECT. 39. Board of lunacy and charity may transfer pauper lunatics to asylum at State almshouse. St. 1888, 69.

SECT. 44 *et seq.* New provisions made as to care of children. St. 1882, 181; 1883, 232; 1886, 330; 1888, 248; 1893, 217, 252.

A limited number of children afflicted with epilepsy or chronic disease may be placed in hospital cottages at Baldwinville, which are aided, and State trustees are provided for. St. 1887, 441; 1889, 230; 1890, 354; 1892, 407. (See Res. 1888, 91.) Hospital established for epileptics. St. 1895, 483. And for consumptives. St. 1895, 103. (See 1895, 400.)

SECT. 46 amended. St. 1882, 181 § 1.

Chapter 87.—Of Lunacy and Institutions for Lunatics.

SECTS. 1, 29 amended. St. 1886, 101 § 4.

SECT. 2 *et seq.* Additional hospital accommodations provided for at Westborough; St. 1884, 322. In eastern Massachusetts; St. 1890, 445. At Medfield and Dover; St. 1892, 425. A hospital for male dipsomaniacs and inebriates; St. 1889, 414; 1890, 251; 1891, 158. (See 1885, 339; 1893, 395. Res. 1892, 33, 50, 55.) For insane criminals; St. 1886, 219; 1895, 390. And for epileptics; St. 1895, 483.

SECT. 4. Number of trustees increased. St. 1884, 149.

SECT. 6 *et seq.* At all State institutions for the insane, provision shall be made for fire escapes and apparatus. St. 1890, 378.

SECT. 7. Female assistant physicians provided for. St. 1884, 116.

SECT. 9. Time of meeting and of report changed. St. 1887, 170.

SECT. 11 *et seq.* Further provisions as to commitment and custody of insane. St. 1884, 234, 322 §§ 7, 9; 1885, 339, 385; 1886, 219, 319; 1887, 346; 1889, 90, 414; 1890, 414; 1891, 158; 1892, 53; 1894, 195; 1895, 286, 390, 429. (See 1883, 148; 1892, 229.)

SECTS. 11, 37, 46. Cities of over fifty thousand inhabitants may establish asylums for chronic insane. St. 1884, 234.

Chronic and quiet insane may be cared for in private families. St. 1885, 385.

SECT. 12 amended. St. 1894, 195.

SECT. 13 is revised. St. 1895, 286, 429. (See 1892, 229.) Fee for commitment established. St. 1894, 493.

SECT. 14 repealed. St. 1892, 53 § 2.

SECT. 15. See St. 1884, 322 § 7.

SECT. 21. Fees as witnesses of salaried officers regulated. St. 1890, 440.

SECT. 25. Application shall be made in case of any insane person deprived of proper treatment. St. 1890, 414 § 1.

SECT. 26. See St. 1884, 234.

SECTS. 32-34. Commonwealth shall pay for support of certain criminals committed to insane hospitals. St. 1883, 148; 1889, 90. (See 1894, 214 § 3.)

Provision to reimburse towns in certain cases. St. 1892, 243; 1895, 375.

SECT. 37. Name of temporary asylum changed. St. 1887, 239.

SECT. 38 *et seq.* The transfer of the insane regulated. St. 1884, 234 § 3, 322 §§ 7, 9; 1885, 339 §§ 2, 3, 385; 1886, 219, 319; 1887, 346 § 2, 367; 1889, 90, 414 § 16; 1890, 414; 1891, 158; 1894, 251; 1895, 390.

SECT. 40. Superintendents may be authorized to discharge patients and may allow temporary absences. St. 1883, 78. (See 1885, 339 § 3; 1886, 319.)

SECT. 46 *et seq.* Overseers of the poor shall not commit or detain recently insane persons in an almshouse without remedial treatment. They must give notice to the State board of the admission and discharge of the insane. St. 1890, 414. (See 1886, 319 § 3.)

SECTS. 47-49 are repealed. The asylum at Ipswich is discontinued. St. 1887, 207. (See 1890, 445.)

SECT. 50. See St. 1887, 367.

SECT. 55 *et seq.* Name changed to "school for the feeble-minded." Regulations revised. St. 1883, 239; 1886, 298. The allowance is increased. St. 1887, 123. (See 1884, 88; 1886, 298 § 4.)

Chapter 88.—Of the State Workhouse.

Name changed to "State farm." St. 1887, 264.

A new board is established. St. 1884, 297; 1891, 299. (See 1883, 279; 1887, 264.)

Provision for an asylum for insane criminals. St. 1886, 219 ; 1895, 390.
 SECT. 4 amended. St. 1886, 101 § 4.

SECTS. 5-8. Persons not being sentenced inmates, who escape and within one year are found begging, may be punished. St. 1884, 258. (See 1889, 245.)

Provision made for transfer of prisoners to and from the State farm. St. 1884, 297 ; 1887, 292 ; 1890, 180, 278.

Chapter 89.—Of the State Primary and Reform Schools and the Visitation and Reformation of Juvenile Offenders.

SECTS. 1, 8. Primary and reform schools changed to Lyman school ; and authority of trustees extended and commitments regulated. St. 1884, 323 ; 1885, 86, 151 ; 1895, 428. (See 1884, 255 § 11.)

SECTS. 4, 5. Provision made for care and maintenance of pauper children between the ages of three and sixteen having no settlement. St. 1882, 181 ; 1883, 232 § 3 ; 1886, 330. (See 1888, 248.)

SECTS. 5, 7 amended. St. 1886, 101 § 4.

SECT. 15 *et seq.* Girls committed by United States courts are to be sent to the State industrial school for girls. St. 1887, 426 § 2.

Arrests and commitments of children regulated. St. 1882, 127, 181 § 3 ; 1883, 110 ; 1884, 255 § 11, 323 § 3 ; 1888, 248. (See 1887, 266 ; 1889, 469.)

No boy over fifteen shall be committed to the Lyman school. St. 1884, 255 § 11, 323 § 3.

SECT. 18. Summons to be issued to children under twelve. St. 1882, 127 § 3.

SECT. 20. New provision made as to notice of complaint. St. 1883, 110.

SECT. 33. Fees and charges of salaried officers regulated. St. 1889, 469 ; 1890, 440 ; 1891, 325.

SECT. 45. Trustees may discharge boys for mental incapacity or bodily infirmity. St. 1889, 123.

SECTS. 49, 51 repealed. St. 1888, 248 § 2. (See 1882, 181 § 3 ; 1887, 266.)

Chapter 90.—Of Contagious Diseases among Cattle, Horses and other Domestic Animals.

This chapter is repealed and revised. St. 1887, 252 ; 1892, 195, 432 ; 1894, 491 ; 1895, 476, 496. (See 1884, 232 ; 1885, 148, 378 ; 1887, 250 ; 1893, 306.)

Chapter 91.—Of Inland Fisheries and Kelp.

The commissioners shall be game commissioners also. St. 1886, 276 § 7 ; 1895, 56.

Fishing is regulated in various places : Barnstable county ; St. 1884, 264 ; 1887, 120. (See 1885, 193 ; 1886, 202 ; 1887, 120.) Bass river ; 1894, 134. Berkshire ; 1888, 276 ; 1890, 193 ; 1895, 199. Bourne ; 1891, 164. (See 1889, 202.) Brimfield ; 1895, 411. Bristol ; 1882, 189. Buzzard's bay ; 1884, 214 § 2 ; 1886, 192 ; 1891, 327 ; 1893, 205, 255. (See 1887, 197 ; 1890, 229.) Dennis ; 1895, 203. Dukes ; 1884, 245 ;

1886, 234. (See 1882, 102; 1895, 180.) Eastham; 1893, 77. Edgartown; 1882, 65; 1885, 247; 1886, 234; 1891, 52. (See 1882, 65; 1885, 247.) Essex; 1888, 126; 1893, 36. Franklin, Hampden and Hampshire; 1890, 193. Marion; 1892, 188; 1893, 255. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. (See 1887, 197.) Merrimack river; 1882, 166; 1883, 31, 121; 1884, 317; 1893, 201; 1895, 88. (See 1894, 113.) Nantucket; 1891, 128. (See 1887, 96; 1888, 238.) Norwell and Pembroke; 1889, 292; 1890, 336. Plum Island bay (tributaries); 1887, 105; 1890, 30. Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. (See 1883, 76.) Randolph; 1889, 78. Scituate; 1889, 292; 1890, 336. Wellfleet bay; 1891, 135. (See 1889, 179.) Westport; 1887, 193; 1891, 137.

Persons violating the fish laws may be arrested without a warrant in certain cases. St. 1893, 105.

Commissioners may forbid discharge of sawdust from a mill into a brook. St. 1890, 129.

The catching of pickerel is restricted. St. 1888, 331. (See 1895, 199.) Squam pond, Gloucester, granted to the United States fish commission for ten years. St. 1892, 43.

Provision made for protection of traps, trawls and seines. St. 1882, 53.

A bounty provided for destruction of seals. St. 1888, 287; 1892, 234.

SECT. 3. See St. 1893, 105.

SECTS. 10-24. Use of nets in ponds restricted. St. 1884, 318.

An act for the protection of great ponds. St. 1888, 318.

SECT. 12. The provisions for leasing great ponds are repealed. St. 1885, 109. (See 1889, 354; 1895, 180.)

SECT. 16. Proceedings against defaulting lessees regulated. St. 1886, 248.

SECT. 17. See St. 1886, 248 § 2.

SECT. 25. Provision for flowing lands in Barnstable for fish culture. St. 1889, 383.

SECT. 26 not repealed by St. 1892, 252.

SECT. 31. Rights of riparian proprietors extended. St. 1890, 231.

SECTS. 36, 39. Use of nets and seines in Merrimack river regulated. St. 1882, 166; 1883, 31, 121; 1884, 317. (See 1882, 53.)

SECT. 41. Certain fisheries exempted. St. 1884, 199.

SECTS. 45, 46. See St. 1894, 113.

SECTS. 51-53. Close time for trout, land-locked salmon and lake trout established. St. 1884, 171; 1888, 276; 1890, 193; 1891, 138. (See 1893, 105.)

Trout not less than nine inches long, artificially reared, may be sold for food in February and March. St. 1895, 277.

Sale of trout less than six inches in length forbidden. St. 1892, 252.

Furnishing trout and trout spawn by the Commonwealth regulated. St. 1893, 59.

SECT. 55. See St. 1888, 126.

SECT. 56. Close season for black bass changed. St. 1893, 80.

SECTS. 57, 59. Smelt fishery regulated in certain waters. St. 1887, 105; 1890, 30; 1891, 128; 1894, 189.

SECTS. 68, 69. Cities and towns may regulate or prohibit taking of eels and shell-fish. St. 1889, 391. (See 1889, 64; 1892, 186, 188; 1893, 55, 255.)

SECT. 70. Rights acquired under this section not affected by St. 1886, 192; 1887, 197; 1890, 229; 1891, 327; 1893, 205.

SECTS. 73, 74 apply to owners of traps or contrivances for catching lobsters. St. 1889, 109.

SECT. 76. See St. 1882, 102; 1884, 245, 264; 1887, 120.

SECT. 81 *et seq.* Provisions for protection of lobsters. St. 1882, 98; 1884, 212; 1885, 256; 1887, 314; 1889, 109; 1890, 293; 1891, 122; 1893, 183. (See 1892, 403; 1893, 105.)

SECT. 84. See St. 1884, 212; 1887, 314.

SECT. 85. See St. 1887, 314 § 2.

SECTS. 93, 94. The planting and taking of oysters are regulated. St. 1884, 284; 1885, 220; 1886, 299; 1895, 282. Taking oysters restricted in Westport; St. 1887, 119. In Yarmouth; St. 1892, 74.

The planting and digging of clams are regulated in certain places. St. 1888, 198, 202; 1889, 64.

SECT. 95. The taking of scallops regulated in certain places. St. 1887, 96; 1888, 223, 238; 1892, 188; 1893, 55, 172. (See 1885, 220 §§ 3, 4.)

SECTS. 77-101 extended to waters where there are no natural oyster beds. St. 1884, 284. And to oyster shells planted to catch seed. St. 1895, 282.

Use of dredge, tongs, etc., on private oyster beds forbidden without consent of owners. St. 1885, 220 § 5. (See 1893, 105.)

The granting of oyster licenses regulated. St. 1885, 220; 1886, 299. (See 1884, 284.)

SECT. 104. Payment of fines and forfeitures regulated. St. 1890, 390 § 3. (See 1887, 314 § 2.)

Chapter 92. — Of the Preservation of Certain Birds and other Animals.

This chapter is repealed and revised. St. 1886, 276; 1887, 300; 1888, 292; 1891, 142, 254; 1892, 102; 1893, 49, 105, 189, 398; 1894, 97, 101, 205; 1895, 55. (See 1882, 199; 1883, 36, 169; 1884, 282, 308; 1886, 246; 1887, 211; 1888, 269; 1890, 237, 249.)

The fish commissioners are made game commissioners also. St. 1886, 276 § 7. (See 1895, 56.)

Persons found violating the game laws may be arrested without a warrant in certain cases. St. 1893, 105.

Provision made for protection of game and prevention of trespass on private land. St. 1884, 308; 1890, 403, 410. (See 1886, 276 § 4.)

Liberating a fox or raccoon in Dukes county is prohibited. Provision for a reward for their destruction. St. 1890, 237.

SECTS. 1, 2. The close time for grouse, woodcock, quail and ducks is regulated. Killing pinnated grouse at any time forbidden. St. 1894, 205. (See 1886, 276 § 1; 1888, 292; 1890, 249; 1891, 142; 1893, 189, 398.) Quail are protected in Nantucket. St. 1893, 49. (See 1894, 102.)

Mongolian, English and golden pheasants are protected. St. 1895, 55. (See Res. 1894, 79.)

SECT. 3. Shooting black duck in Plymouth bay and harbor regulated.

St. 1888, 269. Shooting wild fowl from boats in certain waters of Nantucket is forbidden. St. 1886, 246.

Pursuit of wild fowl with a boat propelled by any other means than sails, oars or paddles is prohibited. St. 1892, 102. (See 1886, 246, 276.)

SECT. 6. Provision made for extermination of the English sparrow. St. 1890, 443. (See 1883, 36; 1886, 276 § 4.)

SECT. 7. Trapping or snaring of certain game and use of ferrets are made offences. St. 1886, 276 § 6; 1887, 300; 1891, 254. (See 1884, 308; 1893, 105.)

SECTS. 8-10. Further provision for protection of deer. St. 1882, 199; 1883, 169. (See 1893, 105.)

SECT. 9. Close season extended. St. 1894, 97.

Chapter 94.—Of Timber afloat or cast on Shore.

Floating of timber in Connecticut river regulated. St. 1882, 274; 1883, 183.

Chapter 97.—Of Wrecks and Shipwrecked Goods.

This chapter is revised. St. 1887, 98. (See 1883, 260; 1885, 341.)

Provision made for removal of wrecks and obstructions in tide-waters. St. 1883, 260.

Chapter 98.—Of the Observance of the Lord's Day.

SECTS. 1, 2, 3 are repealed and the observance of the Lord's day regulated. St. 1895, 434. (See 1886, 82; 1887, 391; 1893, 41.)

The provisions of this chapter are not a defence to actions for injuries to a traveller on the Lord's day. St. 1884, 37.

SECTS. 13, 15 amended. St. 1887, 391 § 3.

Chapter 99.—Of Gaming.

Provision made for recovery of payments, etc., made on wagering contracts in securities and commodities. St. 1890, 437. (See 1892, 138.)

Provisions against gaming houses and resorts. St. 1885, 342; 1887, 448; 1892, 388; 1894, 410; 1895, 419. (See 1883, 120; 1885, 66; 1887, 380; 1890, 439 § 2; 1893, 226.) And against lotteries, policy lotteries and pool selling. St. 1892, 409; 1895, 419.

SECTS. 1, 2 amended. St. 1895, 419 §§ 11, 12.

SECT. 8 amended. St. 1885, 342. (See 1894, 410.)

SECT. 10 repealed. St. 1895, 419 § 14.

Chapter 100.—Of Intoxicating Liquors.

Provision made for license boards in certain cities. St. 1894, 428; 1895, 379.

The disposal or placing on file of liquor cases is restricted. St. 1885, 359.

A penalty is provided for employing a person under eighteen to serve liquor. St. 1890, 446.

Provision is made to prevent illegal sale of liquor in clubs. St. 1887, 206; 1890, 439; 1893, 226; 1894, 542.

SECT. 1. Sweet cider and light wines exempted in certain cases. St. 1894, 489.

SECTS. 2, 3, 5, 8, 10. Licenses to and sales by druggists and apothecaries regulated. St. 1887, 431; 1893, 472 § 4; 1894, 435. (See 1885, 313; 1887, 267; 1889, 270.)

SECT. 5 *et seq.* The granting of licenses is further limited and regulated. St. 1882, 220, 222, 242, 259; 1883, 93; 1884, 158; 1885, 83, 90, 216, 323 § 2; 1887, 323, 392, 431; 1888, 139, 254, 262, 340, 341; 1889, 270, 344, 347, 361; 1890, 446; 1891, 369; 1892, 280; 1894, 435. (See 1886, 323 § 2; 1893, 148; 1894, 428.)

Number of places to be licensed limited. St. 1888, 340.

Transfer of locality of licenses provided for. St. 1889, 344.

Licenses in summer resorts provided for. St. 1888, 340; 1892, 280.

SECT. 7. Objection may be made by owner of real estate within twenty-five feet of premises. St. 1887, 323.

SECT. 9. Sales at night regulated. St. 1882, 242; 1885, 90.

Cl. 4 extended to persons supported by public charity. St. 1884, 158.

Cl. 5 revised. Selling liquor at a table in a bar-room prohibited. St. 1891, 369.

SECT. 10, cls. 1-5. Sale or delivery is forbidden on election days and certain holidays. St. 1885, 216; 1888, 254, 262; 1889, 347, 361; 1894, 130; 1895, 337. (See 1885, 90; 1889, 186.)

And may be forbidden in cases of riot or great public excitement. St. 1887, 365.

Cls. 1-3. No license of these classes shall be for a building within four hundred feet of a public school. St. 1882, 220.

Cls. 1-5. No license of the first five classes shall be granted to be exercised in a dwelling-house or a store having interior connection with a dwelling. St. 1888, 139.

Licenses of the sixth class limited and regulated. St. 1887, 431; 1894, 435. (See 1885, 313; 1887, 267; 1889, 270; 1893, 227, 472.)

SECT. 11. The minimum fees are increased. St. 1888, 341.

SECT. 12. View of interior of the premises must not be obstructed. St. 1882, 259.

SECT. 13. Further requirements of sureties provided for. St. 1882, 259. No one shall be surety on more than ten bonds. St. 1894, 388. The form of bond is changed. St. 1888, 283.

SECT. 16. License shall be void on conviction of violation of any provision of the liquor laws. St. 1887, 392.

SECT. 18 is extended to common victuallers. St. 1882, 242. The penalties are modified. St. 1889, 114, 268.

SECT. 24. Sales to a minor for his own or any other person's use are forbidden. St. 1889, 390.

Sale to children under sixteen of candy, or other article, enclosing a liquid containing more than one per cent. of alcohol is forbidden. St. 1891, 333.

SECT. 25 is extended to sales by druggists except on physicians' prescriptions. The mayor or selectmen may give the notice and sue for benefit of husband, wife, child, parent or guardian. St. 1885, 282.

SECT. 26. Additional facts made *prima facie* evidence. St. 1887, 414.

SECT. 27 is revised and new definition made. St. 1888, 219.

SECT. 29. The inspection and analysis of liquors regulated. St. 1882, 221.

Salary of inspector and assayer fixed. St. 1887, 232. (See 1885, 224; 1886, 175.)

SECT. 30. A search warrant may be issued by a justice authorized to issue warrants in criminal cases. St. 1884, 191. (See 1884, 286.)

SECTS. 30, 33. Implements of sale and furniture used or kept to be used for illegal keeping or sale of liquor may be seized, and may be destroyed or sold as court may order. St. 1887, 406; 1888, 297.

SECT. 38. Provision made for disposition of forfeited liquors. St. 1887, 53; 1888, 297. (See 1887, 406.)

SECT. 40. Costs increased in certain cases. St. 1888, 277.

SECT. 45. Clubs may be licensed. St. 1887, 206. (See 1890, 439; 1893, 226; 1894, 542.)

Chapter 101. — Of the Suppression of Common Nuisances.

SECT. 6. Provision for suppression of nuisances under this section. St. 1887, 380. (See 1887, 206.)

St. 1887, 414, applies to cases under this chapter. St. 1887, 414 § 3. Additional costs allowed in certain cases. St. 1888, 277.

Chapter 102. — Of Licenses and Municipal Regulations of Police.

Provision made for registration of pharmacists. St. 1885, 313; 1887, 267; 1893, 227, 472. (See 1894, 435.) Of dentists. St. 1887, 137. Of plumbers, and inspection of their work and materials. St. 1888, 105; 1893, 477; 1894, 455; 1895, 453. (See 1882, 252 § 2; 1892, 419 §§ 120, 138.) And of physicians and surgeons. St. 1894, 458; 1895, 412.

And for licenses for infant boarding-houses. St. 1892, 318. (See 1882, 270 § 3; 1889, 309, 416; 1891, 194.) And for license to make, alter or repair clothing for sale in a private house. St. 1893, 246. (See 1891, 357; 1892, 296.) And for itinerant vendors of merchandise. St. 1890, 448.

Licenses are required for certain steam boilers. St. 1895, 471. (See 1895, 418.)

SECT. 2 amended. Provision made for license commissioners in certain cities. St. 1894, 235, 428.

SECT. 4. Time of grant and expiration of licenses changed. St. 1890, 73.

SECT. 5. See St. 1885, 316; 1893, 436.

SECTS. 12, 15. Liability of innholders further limited. St. 1885, 358.

SECT. 13 extended to boarding-houses. St. 1883, 187. Maximum fine decreased. St. 1884, 169. Disposition of unclaimed or retained baggage, etc., regulated. St. 1893, 418; 1894, 181.

Public lodging-houses in Boston must be licensed. St. 1894, 414.

SECT. 21. Words "who is a minor" added after "student." St. 1893, 292 § 1.

SECT. 23 is repealed. St. 1893, 292 § 2.

SECT. 26. Intelligence offices are regulated. St. 1894, 180.

SECT. 33. Articles of personal apparel are not to be deemed perishable within the meaning of this section. St. 1884, 324.

SECTS. 33-37. The business of making loans on deposits or pledges of personal property is regulated. St. 1890, 416; 1895, 497. (See 1885, 252; 1888, 388; 1892, 428.)

SECT. 34. St. 1888, 388, does not apply to licensed pawnbrokers and does not affect this section. St. 1890, 416 § 6.

SECT. 35. Any district police officer may enter and examine pawnshops. St. 1888, 243.

SECT. 39. Provision for licenses for stables. St. 1890, 230, 395; 1891, 220; 1895, 213. (See 1889, 89.)

No livery stable shall be within two hundred feet of a church, etc., without consent of the society worshipping therein. St. 1891, 220 § 2.

SECTS. 40-53 repealed so far as they relate to the city of Boston and other provisions made. St. 1892, 419.

SECT. 49. See St. 1893, 387.

SECT. 54. Cities and towns may regulate sale or use of toy pistols, toy cannon and articles in which explosive are used. St. 1882, 272.

Fire-arms or dangerous weapons may not be sold or furnished to persons under fifteen. St. 1884, 76.

SECT. 56. Provision made for notice to chief engineer, etc., of place of storage of gunpowder and explosive compounds. St. 1882, 269.

SECTS. 69-75. Regulations for preparation, storage, inspection and sale of kerosene and petroleum products and erection of buildings therefor. St. 1885, 98, 122; 1894, 399. (See 1882, 250.)

SECTS. 80-84. The licensing of dogs is further regulated. St. 1885, 292; 1886, 259 § 2; 1887, 135, 307; 1890, 72; 1892, 50.

The keeping of blood-hounds and other like dogs is restricted. St. 1886, 340; 1892, 50.

Special licenses may be granted for breeding purposes. St. 1887, 307.

Bond required to account for receipts from dog licenses. St. 1888, 320. Time for payment of such receipts changed. St. 1886, 259.

SECT. 83 amended. St. 1886, 101 § 4.

SECT. 86. Provision for recording licenses in cases of transfer. St. 1884, 185.

SECT. 98 *et seq.* The law as to damages to domestic animals, etc., by dogs is revised. St. 1889, 454; 1894, 309. (See 1886, 259 § 1.)

SECT. 115 amended. No license shall be granted for Sunday exhibitions. St. 1895, 434 § 3. (See 1894, 353.)

SECTS. 115-127. Provision for licensing skating rinks. St. 1885, 196. And picnic groves. St. 1885, 309. (See 1887, 445.)

Admission of children to places of amusement regulated. St. 1883, 446

SECTS. 116-119. Municipal, district and police courts have jurisdiction under these sections. St. 1887, 293.

SECT. 124. Rate and manner of payment for these licenses changed. St. 1882, 258. (See 1894, 180.)

Fee for pawnbrokers' license established in certain cases. St. 1895, 497 § 2.

Hawking and peddling restricted, and gaming, horse-racing and shows

forbidden within one-half mile of licensed groves for picnics, etc. St. 1887, 445. (See 1885, 309.)

Chapter 103.—Of the District and Other Police.

The laws relating to the inspection department of the district police are revised. St. 1894, 481. (See 1888, 113, 389, 426; 1891, 302, 357 § 6; 1893, 111, 199, 387; 1894, 337, 341.)

Special officers appointed in an emergency must be residents of the State. St. 1892, 413.

Tenure of police officers regulated in certain cities. St. 1890, 319.

Police matrons required in certain cities. St. 1887, 234; 1888, 181.

Pensions are provided for in Boston. St. 1887, 178; 1892, 353.

SECT. 1. Number of district police increased. St. 1885, 131; 1887, 256; 1888, 389, 426 § 13; 1891, 357 § 6; 1895, 310, 396, 418 § 8. (See 1885, 158.)

The requirement of an examination by a justice is repealed. St. 1885, 186. (See 1884, 190.)

SECT. 3. Clerks provided in chief's office and their salaries fixed. St. 1890, 137; 1892, 249.

SECT. 5. Salaries fixed. St. 1887, 127; 1892, 128.

SECT. 10. Duties of inspectors extended. St. 1887, 218; 1888, 149 § 3, 316, 399, 426; 1891, 357; 1895, 144 § 3. (See 1882, 266 § 6; 1885, 326; 1887, 219, 226; 1888, 207; 1890, 438; 1891, 261; 1893, 387.)

An appeal is given from certain orders of inspectors. St. 1890, 438; 1891, 261.

SECT. 11 is repealed. St. 1894, 481. (See 1886, 260 § 3; 1890, 83; 1893, 111.)

SECT. 13. Street railway police provided for. St. 1895, 318.

SECT. 15. Railroad police shall be sworn. Tenure of office regulated. St. 1883, 65. They are to be paid no witness fees in certain cases. St. 1890, 440 § 9.

Chapter 104.—Of the Inspection of Buildings.

An act to authorize the establishment of a building line on public ways. St. 1893, 462.

The height of buildings in cities is restricted. St. 1891, 355.

SECTS. 1-14, 21, 22 and 24 are repealed and the erection and construction of buildings to be used for certain public purposes are regulated. St. 1894, 382, 481, 508. (See 1882, 208, 266; 1883, 173, 251; 1884, 52, 223; 1885, 326; 1886, 173; 1887, 103 § 3, 173, 218; 1888, 113, 207, 305, 316; 1890, 83, 179, 307, 438; 1892, 419; 1893, 111, 199, 387; 1894, 337, 341.)

Building law for Boston. St. 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314. (See 1888, 316; 1893, 199.) Public lodging-houses in Boston regulated. St. 1894, 414. (See 1883, 251 § 2; 1888, 426; 1892, 410.)

SECTS. 4-12. Provision made for inspection and proceedings under these sections. St. 1888, 149, 316, 399, 426; 1890, 438; 1891, 261. (See

1892, 419.) And for inspection of certain steam boilers. St. 1895, 418. (See 1895, 471.)

SECT. 6. Provision for appointment of officers where there is no engineer. St. 1888, 399 § 4.

SECT. 8. Appeal given from orders of district police inspectors. St. 1890, 438; 1891, 261.

SECT. 12. Superior court given concurrent jurisdiction. St. 1891, 293.

SECTS. 13-24. In manufacturing establishments run by steam the engineer's room must, if required by inspector, have means to communicate with machinery rooms, and to control the power. St. 1886, 173; 1890, 179.

SECT. 14. Extended to mercantile and public buildings. St. 1882, 208.

The use of elevators is further regulated. St. 1882, 208; 1883, 173; 1890, 90.

SECTS. 15-20 are repealed and the provisions for precautions against fire are revised and extended. St. 1882, 251; 1884, 223; 1888, 86, 426; 1894, 382. (See 1882, 266; 1884, 52; 1888, 207, 316, 399, 426; 1890, 307; 1892, 419; 1893, 199; 1894, 341; 1895, 418.)

SECT. 19. No inside or outside door of factory, etc., shall be fastened during working hours. St. 1884, 52.

SECT. 20. Theatres must have approved fire-resisting curtains. St. 1888, 426 § 1. (See 1888, 207.) Audience hall shall not be above second floor. St. 1894, 382.

Provision for securing proper sanitary precautions in school-houses, factories and workshops. St. 1894, 508. (See 1887, 103 § 3, 173, 218; 1888, 149, 305; 1891, 261.)

SECT. 23 is revised. St. 1887, 276. (See 1882, 266 § 4; 1887, 219; 1888, 426.)

SECT. 24 is made to apply to sections 16 to 21. St. 1882, 266 § 5.

Chapter 105. — Of Certain Powers, Duties and Liabilities of Corporations.

Change of name of corporations subject to provisions of chapters 106-119 provided for. St. 1891, 360; 1892, 198, 201. (See 1891, 257; 1895, 104.)

Assuming name of another corporation, or a similar name, is restricted. St. 1891, 257. (See 1888, 413 § 27, 429 § 2.)

Conditions prescribed for foreign corporations doing business here. St. 1882, 106; 1883, 74; 1884, 330; 1886, 230; 1889, 393; 1890, 329; 1891, 341; 1894, 381, 476, 541; 1895, 157, 311. (See 1887, 214 §§ 77-88, 91, 92; 1888, 321, 429; 1889, 356, 427, 452; 1890, 197, 199, 304, 310, 321; 1891, 275, 368, 403; 1892, 129; 1893, 103; 1894, 522.)

Penalties for fraud of officers and stockholders extended to foreign corporations doing business here. St. 1895, 157.

Issuing obligations, to be redeemed in numerical or arbitrary order of precedence, is prohibited. St. 1891, 382.

Provision for insolvency proceedings by or against certain foreign corporations. St. 1890, 321.

Safe deposit, loan and trust companies are subject to the duties, restric-

tions and liabilities set forth in this chapter. St. 1888, 413. (See 1887, 89; 1889, 342, 452; 1890, 315; 1892, 327; 1893, 114; 1894, 274.)

SECTS. 14, 15 are repealed, but officers may be removed for previous violations of section 14. St. 1889, 222.

SECTS. 18, 19 are repealed, and the issue of stock or scrip dividends by certain corporations is prohibited. St. 1894, 350.

SECT. 20. Issue of new stock and bonds by certain quasi-public corporations regulated. St. 1894, 450, 452, 462, 472, 476, 501, 502.

SECT. 21. Stockholder may require list of stockholders filed in office of secretary of the Commonwealth. St. 1889, 222 § 3.

SECT. 24. No record is necessary for the transfer of stock. St. 1884, 229.

SECT. 28. See St. 1884, 268, 330; 1888, 321; 1889, 393; 1890, 321; 1894, 384.

SECT. 42. The time limit is stricken out. St. 1884, 203.

Chapter 106. — Of Manufacturing and Other Corporations.

Corporations created under this chapter may issue special stock, to be held by their employees only. St. 1886, 209.

Manufacturing corporations may support free beds in hospitals for use of their employees. St. 1889, 258.

SECTS. 3, 4, 51. Corporations governed by these sections may change their business under section 51. St. 1885, 310.

SECT. 6 *et seq.* Corporations to examine and guarantee titles of real estate are authorized and regulated. St. 1884, 180; 1887, 214 §§ 62, 63. And for the cremation of the dead. St. 1885, 265. (See 1886, 101 § 4; 1888, 306 § 2.)

SECTS. 7, 8, 13, 14. Par value of shares regulated. St. 1894, 500.

SECT. 11 extended to hydrostatic and pneumatic pressure for mechanical power. St. 1891, 189; 1893, 397.

SECTS. 11, 52, 75 extended to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 13 extended to include buildings for manufacturing and mechanical purposes. St. 1888, 116.

SECT. 17. Method established for change of name of corporations subject to provisions of chapters 82, 106–119, and acts amendatory thereof. St. 1891, 360; 1892, 198, 201.

SECT. 27. Clause as to proxy or attorney casting more than fifty votes is repealed. St. 1888, 188. (See 1889, 222.)

SECT. 34 *et seq.* Increase of stock of certain quasi-public corporations regulated. St. 1894, 450, 452, 462, 472, 476, 501, 502. (See 1890, 371.)

SECTS. 39–41 are repealed. St. 1894, 472.

SECT. 50. Certain foreign corporations may hold real estate here. St. 1888, 321; 1895, 387. (See 1884, 330.)

SECTS. 51, 52. Gas companies may be authorized to furnish electric light and power. St. 1887, 385. (See 1885, 240.) Fee for filing certificate fixed. St. 1895, 169.

SECTS. 54, 55, 59, 81, 82, 84. All corporations, with certain exceptions,

are subject to these sections and must make the certificates and return therein required. St. 1887, 225.

Any stockholder may require a list of stockholders to be filed. St. 1889, 222 § 3.

The certificates are deemed to be recorded by the act of filing. They are to be preserved in book form. St. 1890, 199.

SECTS. 62-71 apply to mortgage loan and investment, and safe deposit, loan and trust companies. St. 1888, 387 § 11, 413 § 14.

SECT. 75 *et seq.* A board of gas and electric light commissioners is established, and the business of the companies is regulated. St. 1885, 240, 314; 1886, 250, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169, 373; 1890, 252; 1891, 370; 1892, 67, 259, 263, 274; 1893, 454; 1894, 182, 299, 316, 327, 432, 448, 450.

Chapter 107. — Of Swine Slaughtering Associations.

SECT. 2 is amended. St. 1886, 101 § 4.

Chapter 109. — Of Companies for the Transmission of Intelligence by Electricity.

This chapter, except sections 16 and 18, applies to lines for electric light. St. 1883, 221.

The erection and use of wires for telegraph, telephone and electric lighting are regulated. St. 1883, 221; 1884, 302, 306; 1885, 267, 380; 1887, 382, 385; 1889, 398, 434; 1890, 404; 1891, 370; 1892, 274; 1893, 274, 454; 1894, 182, 432; 1895, 228, 330, 350, 420. As to Boston. See St. 1894, 454; 1895, 228 § 2.

SECT. 4 amended. Abutters may have damages for erection or alteration of telegraph, telephone and electric light and power lines along highways. St. 1884, 306. (See 1884, 302.)

SECT. 7. At least half must be paid in in cash. St. 1893, 274.

New issue of stock and bonds regulated. St. 1894, 452, 472, 476.

SECT. 10. Telephone companies must furnish service without discrimination. St. 1885, 267.

Telegraph companies are made liable to amount of \$100 for damages caused by negligence in transmitting messages. St. 1885, 380.

SECTS. 12, 15. Wires may not be put on another's property without his consent. St. 1884, 302. (See 1884, 306.)

Electric light or power companies are authorized to mortgage property to secure bonds. St. 1890, 371; 1894, 501.

SECT. 16. See St. 1895, 330.

Chapter 110. — Of Aqueduct Corporations.

Payment and returns of capital stock regulated. St. 1894, 380.

SECTS. 7, 8 are repealed and issue of stock and bonds regulated. St. 1894, 452, 472, 476.

Chapter 112. — Of Railroad Corporations and Railroads.

The operation of railroads by electricity is authorized. St. 1892, 110.

State inspection of tracks, equipment, etc., is provided for. St. 1894, 505.

Railroad corporations are required to issue mileage tickets which shall be accepted on all railroad lines in the State. St. 1892, 389.

The issuing of tickets free or at less than usual rates to members of the legislature, the executive, the judiciary and certain others is forbidden. St. 1892, 59.

Railroad companies may join relief societies of employees. St. 1886, 125. (See 1882, 244; 1887, 270 § 6; 1890, 181.)

Provision for elevated railways in and near Boston. St. 1894, 548, 550. (See 1890, 368.)

Provision for compensation for joint occupancy of stations and grounds. St. 1893, 142.

Conditional sales and leases of equipment and rolling stock are regulated. St. 1894, 326. Leases and consolidations must be approved by railroad commissioners. St. 1894, 506.

SECT. 9. Assistant clerk allowed. St. 1895, 313.

SECTS. 10-12. Salaries fixed: Clerk; St. 1885, 119. Accountant; 1885, 164. Salaries are to be paid monthly. St. 1885, 224. Allowance made for books, maps and incidentals. St. 1890, 200. (See 1894, 536 § 8.)

SECT. 14. Powers of the commissioners increased. St. 1882, 265 § 1; 1883, 117; 1885, 110, 334; 1886, 120; 1888, 240; 1890, 382; 1891, 129, 204; 1892, 171, 228.

SECTS. 21, 26. Returns and statements regulated. St. 1889, 328; 1893, 131. (See 1889, 241.)

SECT. 34. The commissioners must certify that public convenience and necessity require the construction, before organization of a railroad company under the general law. St. 1882, 265 § 1.

SECT. 38 *et seq.* No steam railroad may be located within three miles of the State House except on certain conditions. St. 1882, 265 § 4. (See 1884, 279.)

Railroad corporations may change their locations to improve the alignment of their roads. St. 1887, 430. (See 1882, 149; 1884, 134.)

SECT. 44. The proceedings are void unless certificate of incorporation is issued within one year from the time when the route is fixed. St. 1882, 265 § 2.

SECT. 54. Clause prohibiting the casting of more than fifty votes by a proxy or attorney is repealed. St. 1888, 188. (See 1889, 222.)

SECT. 56. Delivery of written transfer sufficient. St. 1884, 229.

SECTS. 58, 59, 60. Increase of capital stock regulated. St. 1893, 315; 1894, 462, 472, 502. (See 1894, 476.)

SECT. 62. The bonds may run fifty years. St. 1887, 191. (See 1883, 7.)

SECTS. 62-73. A purchaser under a valid foreclosure and his grantees and successors have the same powers and duties as the original corporation. St. 1886, 142.

SECTS. 63-70. Street railway companies may issue bonds, and these sections shall apply. St. 1889, 316; 1892, 192.

SECT. 81 *et seq.* Returns and statements regulated. St. 1889, 328; 1893, 131. (See 1889, 241.)

SECT. 82 is applied to street railway companies. St. 1892, 254.

SECT. 89. Time of notice to and filing of location by railroad corporations under St. 1878, 135 § 1, is changed. St. 1882, 149.

SECT. 91 is revised. Land may be taken outside of the location for one or more tracks, subject in some cases to certain conditions. St. 1884, 134. (See 1882, 149; 1887, 430.) Locations of lands purchased may be filed. St. 1895, 356.

SECT. 115. The power to exempt from the duty to fence is transferred to the railroad commissioners. Proceedings to revoke exemptions regulated. St. 1882, 162.

SECT. 117 *et seq.* No right of way across any railroad track or location in use for railroad purposes shall be acquired by prescription. St. 1892, 275.

SECTS. 117-138. Wood which obstructs view at crossings may be cut. St. 1889, 371. These sections are not affected by St. 1891, 170.

Provision is made for the abolition of grade crossings. St. 1885, 194; 1887, 295; 1890, 428; 1891, 33, 123, 262; 1892, 312; 1893, 283, 424; 1894, 216, 545; 1895, 103, 426. (See 1882, 135; 1891, 170 § 5; 1892, 178, 228.)

Railroad companies must maintain crossings to give access to lands cut off by their road-beds. St. 1892, 171.

SECTS. 127, 169. The commissioners may forbid or regulate the occupation of street crossings. St. 1885, 110; 1890, 382; 1892, 228.

SECTS. 128, 148, 160. Provision is made for examination of railroad bridges. St. 1887, 334. And tracks, equipments, etc. St. 1894, 505.

SECTS. 129-132 amended. St. 1885, 194; 1887, 295. (See 1882, 135.)

SECTS. 129-134. P. S., ch. 51, applies to alterations of ways at railroad crossings. St. 1884, 280. (See St. 1890, 428 § 12.)

SECT. 131 amended. St. 1885, 194 § 4; 1887, 295.

SECT. 138. Appeal provided from decision of the county commissioners. St. 1882, 135. (See 1885, 194 § 6; 1890, 428 § 12; 1892, 171.)

SECT. 139. Clause forbidding branches within eight miles of the State House is stricken out. St. 1884, 279. (See 1882, 265 § 4.)

SECT. 148. Railroad drawbridges over Charles river regulated. St. 1889, 246; 1890, 118. (See 1887, 334.)

SECT. 159. Frogs, switches and guard rails must be blocked to the approval of the railroad commissioners. St. 1886, 120; 1894, 41.

SECT. 160. See St. 1887, 334.

SECT. 161. Provision made for interlocking or automatic signals at railroad crossings. St. 1885, 85.

SECT. 163 *et seq.* The commissioners may forbid or regulate locomotive whistles at highway crossings. St. 1885, 334. (See 1890, 173.) And may recommend changes in making up freight trains and sounding whistles. St. 1891, 204. (See 1891, 129.)

At least three separate and distinct blasts of the whistle are required at crossings. St. 1890, 173.

SECTS. 164-166. The railroad commissioners may require gates, flags or electric signals at highway crossings. St. 1883, 117; 1888, 240. And signals at crossings above grade. St. 1891, 129. (See 1892, 228.)

SECT. 169 is extended to receivers and assignees of railroad corporations. St. 1895, 173.

SECT. 170. Locomotive boilers must be tested. St. 1882, 73.

Certain safety appliances are required on freight cars. St. 1884, 222; 1895, 362. (See 1886, 242; 1894, 59.)

SECT. 171. Additional tools and safeguards against fire required. St. 1882, 54. (See 1887, 362; 1891, 249.)

SECT. 172. The heating of passenger cars is regulated. St. 1887, 362; 1891, 249.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, 125.

SECT. 180. Interchangeable mileage tickets are required. St. 1892, 389. Extra fare paid on trains regulated. St. 1883, 32.

SECTS. 181-183. Railroad corporations shall not require women or children to ride in smoking cars. St. 1888, 176.

SECT. 188. Extended to freight charges. St. 1882, 225. (See 1882, 94.) And to express business on railroad and steamboat lines. St. 1894, 469.

SECTS. 192-194 are revised. St. 1893, 210.

SECT. 204. The maximum penalty for placing obstructions on railroad tracks is increased. St. 1890, 332.

SECT. 205. The unlawful use, removal or tampering with the tools, etc., required to be carried on passenger trains is made an offence. St. 1882, 54 § 2.

SECT. 206. See St. 1895, 318.

SECT. 207. Word "electric" stricken out. St. 1884, 5.

SECT. 212. Employees are included under this section. St. 1883, 243. They may sue for damages. St. 1887, 270; 1888, 155; 1892, 260; 1893, 359; 1894, 499. (See 1894, 469 § 3; 1895, 362 § 7.)

An action of tort may be brought against street railway corporations for loss of life. St. 1886, 140.

SECT. 214 is amended. St. 1895, 293.

SECT. 216. See St. 1893, 142.

SECTS. 223, 224. When their consent is required the commissioners may regulate tracks at crossings by a railway for private use. St. 1890, 382.

Chapter 113. — Of Street Railway Companies.

Provision for rapid transit in Boston and vicinity. St. 1893, 481; 1894, 548; 1895, 440. (See 1890, 368.)

This chapter applies to companies using the cable system. St. 1886, 337 § 4.

Liability for injuries regulated. St. 1886, 140; 1887, 270; 1888, 155; 1892, 260

Street railway companies may issue mortgage bonds in certain cases and Pub. St., ch. 112 §§ 63-70, apply. St. 1889, 316; 1892, 192.

They may join relief societies of employees. St. 1890, 181. (See 1882, 244; 1886, 125; 1887, 270 § 6.)

May hold real estate for pleasure resorts in certain places. St. 1895, 316.

Conditional sales and leases of rolling stock regulated. St. 1894, 326. Leases and consolidations must be approved by railroad commissioners. St. 1894, 506.

SECT. 12. Clause as to proxy, etc., casting more than fifty votes repealed. St. 1889, 210. (See 1888, 188; 1889, 222.)

SECTs. 13-18. Further provisions made as to increase and reduction of capital stock. St. 1886, 337 § 3; 1887, 366; 1890, 326; 1893, 315; 1894, 462, 472, 476, 543.

SECT. 15. See St. 1887, 366.

SECT. 16 repealed. St. 1893, 315.

SECT. 19 *et seq.* See St. 1890, 368; 1894, 548, 550.

SECT. 27 *et seq.* Children under ten shall not be permitted to enter cars to sell newspapers, etc. St. 1889, 229.

Fenders and wheel guards provided for. St. 1895, 378. (See 1890, 364; 1891, 366.) And street railway police. St. 1895, 318.

SECT. 39. Cable system may be used. St. 1886, 337. (See 1887, 413 § 4; 1888, 278.) Electric system authorized in Boston. St. 1887, 413 § 4; 1890, 454 § 12.

SECTs. 40, 41. Street railways shall not cross railroads at grade unless by consent of the railroad commissioners or special commissioners. St. 1895, 426. (See 1885, 110; 1890, 382; 1892, 228.)

SECT. 43. Railroad commissioners may require additional accommodations for the travelling public. St. 1891, 216. Shall require cars to be heated at certain times. St. 1895, 136.

SECT. 46 *et seq.* See 1887, 413; 1890, 454. Free transfer checks may not be discontinued without consent of railroad commissioners. St. 1894, 383.

SECT. 48 *et seq.* One company may not use tracks of another company unless authorized by the railroad commissioners. St. 1888, 278. (See 1886, 337 § 2; 1887, 413; 1894, 506.)

SECT. 58. Companies are required to contribute to expense of printing and binding their annual returns. St. 1892, 254.

SECT. 63. Superior court given concurrent jurisdiction. St. 1891, 293.

Chapter 114. — Of Agricultural and Horticultural Societies.

Corporations organized under this chapter may be authorized to improve public grounds. St. 1885, 157.

Provision is made for a bounty for sugar from beets or sorghum cane. St. 1883, 189. And for bounties to chartered poultry associations. St. 1895, 351.

“Arbor day” established. Res. 1886, 32.

SECT. 1. The restriction is modified. St. 1890, 297.

An agricultural society receiving a bounty can sell or mortgage its real estate only on certain conditions. St. 1890, 274.

SECT. 2. Time of filing certificate changed. The board may require other returns. St. 1891, 124.

SECT. 20 *et seq.* Entering or driving a horse that is disguised or different from the one purported to be entered, etc., to compete for a purse or premium is punishable. St. 1892, 167.

Provision made for assignment of police officers at exhibitions. St. 1892, 180.

Registration of pedigrees of horses used for breeding purposes provided for. St. 1890, 334. (See 1887, 143.)

Chapter 115. — Of Associations for Charitable, Educational and Other Purposes.

Provision made for incorporation of labor and trade organizations. St. 1888, 134. (See 1892, 330.) And textile schools. St. 1895, 475.

And for formation of relief societies of railroad, steamboat and street railway employees, in which the companies may join. Their funds are not attachable. St. 1882, 244; 1886, 125; 1890, 181. (See 1887, 270 § 6.)

The consolidation of masonic mutual relief associations is authorized. St. 1887, 140.

The incorporation of clubs is regulated. St. 1890, 439; 1893, 226; 1894, 592. (See 1887, 206.)

No corporation organized for medical purposes under this chapter shall confer degrees. St. 1883, 268. (See 1893, 355.)

The provisions of this chapter apply to churches incorporated under St. 1887, 404.

SECT. 3. Increase of stock and par value of shares regulated. St. 1888, 177; 1890, 191. (See 1888, 429.)

SECTS. 3-5. Corporations may be formed for life and casualty insurance on the assessment plan. St. 1890, 421; 1892, 435; 1894, 367; 1895, 104, 281, 340. (See 1885, 183; 1887, 214 §§ 2, 3; 1888, 429.)

SECTS. 8-12 repealed, and law as to fraternal beneficiary organizations revised. St. 1894, 367; 1895, 104, 281, 340. (See 1882, 195; 1885, 183; 1887, 140, 214; 1888, 429; 1890, 341, 400, 421; 1891, 163; 1892, 40, 435; 1893, 47, 321, 418; 1894, 60, 328, 522 § 3.)

Chapter 116. — Of Savings Banks and Institutions for Savings.

This chapter is repealed and the laws relating to institutions for savings are revised and consolidated. St. 1894, 317; 1895, 164. (See 1882, 50, 77, 148, 200; 1883, 52, 127, 134, 248, 258; 1884, 72, 150, 168, 253; 1885, 92, 111, 124, 210, 348; 1886, 69, 77, 79, 93, 176, 252, 300; 1887, 113, 196, 319; 1888, 40, 51, 53, 90, 96, 120, 127, 170, 250 § 2, 301 § 6, 355; 1889, 77, 86, 88, 91, 161, 180, 305, 321, 449, 452; 1890, 44, 168, 222, 298, 330, 369, 394, 406; 1891, 171, 403; 1892, 248; 1893, 174, 230, 254.)

Additional expert and clerical assistance provided for. St. 1885, 66.

Chapter 117. — Of Co-operative Savings Fund and Loan Associations.

The title of this chapter and name of associations changed to "Co-operative Banks." St. 1883, 98.

The business of co-operative banking is regulated. St. 1882, 251; 1883, 98; 1885, 121; 1887, 216; 1889, 159, 452; 1890, 63, 243, 310; 1891, 403; 1895, 171, 172.

The business may not be carried on here in name of a co-operative bank unless incorporated here. St. 1889, 452. (See 1890, 310; 1891, 403.)

The capital stock, corporate franchise and personal estate of co-operative banks are exempted from taxation. St. 1890, 63.

SECT. 1. The consent of the savings bank commissioners is required for the formation of co-operative banks. St. 1890, 243.

SECT. 5. Co-operative banks must provide a guaranty fund. St. 1885, 121 § 2.

The limit of capital refers to the capital paid in on shares. St. 1887, 216 § 1.

SECT. 6. One person may be secretary and treasurer. St. 1885, 121 § 1.

SECT. 8. The mode of retiring shares is determined and their value. St. 1887, 216 § 2.

SECT. 9. Before payment of matured shares, arrears and fines are to be deducted. St. 1882, 251 § 1. Interest is allowed for all full months from last adjustment. St. 1887, 216 § 5.

SECT. 10. Interest may be bid instead of a premium. St. 1882, 251 § 2.

Directors may loan money on shares of the corporation. St. 1890, 78.

SECT. 13 is amended and new provisions made as to the security. St. 1889, 159 § 1; 1894, 342.

SECT. 14. Provision for partial payments. St. 1887, 216 § 4.

SECT. 16 is revised. St. 1882, 251 § 1; 1885, 121 § 4.

SECT. 18. See 1885, 121 § 2.

SECT. 20. See 1891, 403.

Chapter 118. — Of Banks and Banking.

Foreign banking corporations doing business here shall indicate on their signs, letter heads, etc., the name of the State or country in which they are chartered. St. 1890, 329.

The incorporation and conduct of safe deposit, loan and trust companies are regulated. St. 1887, 89; 1888, 413; 1889, 342, 452; 1890, 315, 329; 1892, 327; 1893, 114.

And of mortgage loan and investment companies. St. 1884, 330; 1888, 387; 1889, 427, 452; 1890, 329; 1891, 233, 275, 341; 1893, 303; 1895, 311.

A commissioner of foreign mortgage corporations is established. St. 1889, 427; 1891, 275; 1893, 303.

SECT. 30 *et seq.* Banking hours on Saturdays regulated. St. 1895, 201.

Chapter 119. — Of Insurance Companies and Insurance.

This chapter is repealed and the insurance laws revised and codified. St. 1894, 522; 1895, 46, 59, 81, 104, 159, 190, 263, 271, 366, 474. (See 1882, 195; 1883, 33, 107, 126, 235, 258; 1884, 55, 58, 119, 120, 177, 178, 180, 217, 235, 296; 1885, 183, 241, 300, 308, 354; 1886, 187, 222; 1887, 214, 283; 1888, 84, 141, 151, 154, 165; 1889, 356, 378; 1890, 26, 304; 1891, 195, 233, 289, 291, 368, 382; 1892, 47, 372; 1893, 54, 117, 224, 494; 1894, 19, 103, 120, 133, 137, 147, 225, 300, 381, 442.)

Standard form of fire policy. St. 1894, 522 § 60; 1895, 59 §§ 3, 4.

Employment of an actuary authorized. St. 1895, 81.

Certain veterans exempted from payment of fees for certificate to act as insurance broker. St. 1895, 159.

No life policy shall be issued without previous examination by a registered physician. St. 1895, 366. (See 1894, 522 §§ 68-73.)

Disposal of certain unclaimed funds of insolvent companies regulated. St. 1890, 330. (See 1883, 258; 1886, 300.)

Agents of domestic companies must be registered. St. 1895, 46.

SECTS. 21, 38, 167. Moneys to be paid by life or casualty insurance companies doing business on the assessment plan are made not attachable. St. 1890, 421 § 23. (See 1885, 183 § 11; 1887, 214 § 73; 1892, 372.)

SECTS. 117 to 130 apply to existing mutual marine and fire and marine companies. St. 1894, 522 § 53.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. St. 1890, 421; 1892, 435. (See 1885, 183.)

The organization and business of fraternal beneficiary associations are regulated. St. 1894, 367. (See 1882, 195; 1885, 183; 1887, 140, 214; 1888, 429; 1890, 341, 400, 421 § 1; 1891, 163, 233, 360; 1892, 40, 201, 435; 1893, 47, 321, 418; 1894, 60, 328.)

Chapter 120.—Of the Alienation of Real Estate.

SECT. 1 *et seq.* The recording of an instrument affecting title is made conclusive evidence of delivery. St. 1892, 256.

Form of execution and acknowledgment of deeds, etc., established. St. 1894, 253; 1895, 460.

A conveyance otherwise valid shall be effectual notwithstanding disseizin or adverse possession. St. 1891, 354.

SECT. 4. Office copies of records may be recorded in another county or district where part of the land lies. St. 1889, 448.

A mortgage is declared invalid against an assignee in insolvency in certain cases. St. 1888, 393.

SECT. 6. Authority of magistrates out of the State must be properly certified to. St. 1894, 253 § 3.

SECT. 15. Provision for construction of words importing a want or failure of issue. St. 1888, 273.

SECT. 19 *et seq.* Sale of estate subject to vested remainder may be authorized. St. 1895, 183.

Chapter 122.—Of Easements.

No right of way across a railroad location in use for railroad purposes shall be acquired by prescription. St. 1892, 275.

Chapter 124.—Of the Rights of a Husband in the Real Estate of his Deceased Wife, and the Rights of a Wife in that of her Deceased Husband.

SECT. 1. Words "If his wife does not otherwise provide by will," in sixth and seventh lines, and word "intestate," in eighth line, stricken out. St. 1885, 255; 1887, 290.

SECT. 17 is amended. St. 1889, 234; 1894, 170.

Chapter 125.—Of the Descent of Real Estate.

SECTS. 3-5. See St. 1895, 427.

SECT. 4. If the mother also is dead, the estate descends to the persons entitled by inheritance through her. St. 1882, 132.

Chapter 126.—General Provisions concerning Real Estate.

Conditions or restrictions affecting title or use of real estate, unlimited as to time, shall be construed as limited to thirty years, except in certain cases. St. 1887, 418.

Provision made for proceedings to determine validity, nature and extent of certain conditions, restrictions, etc., on real estate. St. 1889, 442; 1890, 427. (See 1882, 237; 1885, 283.)

Construction placed on words importing want or failure of issue. St. 1888, 273.

SECTS. 5, 6. A conveyance or devise to a husband and wife creates a tenancy in common unless otherwise expressed. St. 1885, 237.

SECT. 13 extended to judgments and decrees. St. 1892, 289.

Chapter 127.—Of Wills.

SECT. 7. See St. 1889, 435.

SECT. 8. Marriage shall act as a revocation, except in certain cases. St. 1892, 118.

SECT. 26. See St. 1891, 354.

SECT. 33. See St. 1883, 223.

SECT. 34 repealed so far as it applies to probate courts. St. 1891, 415.

Chapter 129.—Of the Probate of Wills and the Appointment of Executors.

The probate of a will is made conclusive in certain cases after two years. St. 1889, 435.

SECTS. 1, 2. Petitions for probate must be sworn to by petitioner. St. 1891, 414.

SECT. 5. See St. 1893, 379, as to Suffolk county.

Chapter 130.—Of the Appointment of Administrators.

SECTS. 1, 2. Petitions for letters testamentary must be sworn to by petitioner. St. 1891, 414.

Provisions made for granting administration without notice in certain cases. St. 1885, 260. And to any suitable person. St. 1890, 265.

A decree of intestacy is made conclusive in certain cases after two years. St. 1889, 435.

SECTS. 2, 8. Administrators may be allowed to give bond without sureties in certain cases. Failure to give a new bond when required shall be considered a resignation. St. 1885, 274. (See 1893, 379.)

SECT. 4. Administration may be granted for cause upon particular property more than twenty years after the person's death. St. 1889, 192. (See 1885, 242.)

SECTS. 10-17. Special administrator may be allowed to pay expenses of executor in proving the will. St. 1884, 291. (See 1884, 131.)

Chapter 131.—Of Public Administrators.

SECT. 18. Time for presenting claims under this section limited. St. 1883, 264.

Chapter 132. — General Provisions relative to Executors and Administrators.

Probate courts given jurisdiction in equity in administration of estates of deceased persons. Proceedings regulated. St. 1891, 415.

SECTS. 1-4. Provisions as to the proof of notice are revised. St. 1888, 148, 380; 1889, 315. (See 1888, 420.)

SECTS. 8, 13. No foreign executor or administrator shall receive his letter until the appointment of resident agent is properly made. St. 1893, 118. (See 1890, 420.)

Chapter 134. — Of Sales and Mortgages of Real Estate by Executors and Administrators.

Executors and administrators may be licensed to sell at private sale. St. 1886, 137.

Real estate appraised at \$1,500 or less may be sold for purposes of distribution. St. 1890, 266.

SECT. 13. Change in method of proof of notice. St. 1888, 148, 380; 1889, 315. (See 1888, 420.)

SECT. 19 extended to intestate estates. St. 1895, 140.

Chapter 135. — Of Allowances to Widows and Children and of the Distribution of the Estates of Intestates.

SECT. 3, cl. 3. When a married woman dies leaving issue, the husband is entitled to one-half of the personal estate. St. 1882, 141.

CL. 5. If intestate leaves a widow and no kindred, the widow is entitled to the whole of the residue. St. 1885, 276.

Chapter 136. — Of the Payment of Debts, Legacies and Distributive Shares.

Certain payments made without order of court may be afterwards approved. St. 1894, 303.

Provision made for a State tax of five per cent. on collateral legacies and successions, and on grants to take effect after death of grantor in estates exceeding \$10,000. St. 1891, 425; 1892, 379; 1893, 432; 1895, 307, 430.

SECT. 19 *et seq.* Where a legatee is a minor without a guardian, court may order the legacy to be deposited in a savings bank under P. S., ch. 144 § 16. St. 1889, 185.

Real estate appraised at \$1,500 or less may be sold for distribution. St. 1890, 266.

Distribution of legacies may be ordered by the court in certain cases. St. 1895, 134.

Chapter 139. — Of Guardianships.

SECTS. 1-3. Certain corporations are authorized to be guardians of minors. St. 1885, 362; 1890, 117.

SECTS. 2-4. The probate court may require parents to contribute to support of their minor children under guardianship. St. 1891, 358.

SECT. 16 is extended to married women who are minors. St. 1890, 259.

SECT. 29 *et seq.* Guardians residing out of the State must appoint an agent here. P. S., 132 §§ 11-13, apply to them. St. 1889, 462; 1893, 118. (See 1890, 420; 1894, 128.)

Chapter 140. — Of Sales and Mortgages of Real Estate by Guardians.

SECT. 3. Guardian may be licensed to lease the ward's real estate. St. 1894, 128.

SECT. 18 is extended to any interest in real estate. St. 1885, 258.

Chapter 141. — Of Trusts.

Probate courts have jurisdiction in equity over trusts created by will. St. 1891, 415.

SECTS. 4-11. Foreign trustees must have an agent here. The provisions of P. S., ch. 132 §§ 11-13, apply. St. 1889, 462; 1893, 118. (See 1890, 420.)

SECT. 16 is revised. Trustee may be exempted from furnishing surety on request of parties interested. St. 1891, 339.

SECT. 23 is extended to other improvements. St. 1889, 66.

SECT. 27 is extended to trusts created under any written instrument. St. 1892, 116.

Chapter 142. — General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, Administrators, Guardians and Trustees.

A foreign guardian or trustee must have an agent here. P. S., ch. 132 §§ 11-13, apply. St. 1889, 462; 1893, 118. (See 1890, 420; 1894, 128.)

SECT. 12. See St. 1893, 379.

SECT. 14 is extended to administrators with the will annexed. Those claiming as legatees or devisees whose interests are affected are to be made parties. St. 1889, 266.

SECT. 23 is extended. Defective acts or proceedings may be ratified or confirmed. St. 1888, 420.

Provision in case of failure to prove notice of sale. St. 1889, 315. (See 1888, 148.)

Chapter 143. — General Provisions relative to Bonds of Executors, Administrators, Guardians and Trustees.

Fidelity insurance companies may act as sureties. St. 1894, 522 §§ 29, 61. (See 1884, 296; 1885, 241; 1886, 233; 1887, 214 §§ 29, 61.)

SECT. 23. See St. 1893, 396 § 14.

Chapter 144. — Of the Accounts and Settlements of Executors, Administrators, Guardians and Trustees.

Certain payments made without order of the court may be approved. St. 1894, 303.

Form of accounts regulated. St. 1895, 210.

SECT. 8. Money paid with the approval of the judge for procuring surety on the bond may be allowed. St. 1886, 233. (See 1887, 214 §§ 29, 61.)

Bequests to executors in excess of a reasonable compensation are liable to the State legacy tax. St. 1891, 425 § 3.

SECTS. 13, 14 are revised. St. 1895, 288. (See 1889, 466.)

SECT. 16. Legacies to persons whose residence is unknown, and to minors without guardians, may be deposited. St. 1885, 376; 1889, 185. (See 1893, 379.) Also property of an absent person whose residence is unknown in certain cases. St. 1894, 203.

The amount which may be deposited and draw interest is not limited. St. 1889, 86, 449.

Provision is made for final distribution of deposits by the probate court in certain cases. St. 1889, 449 § 2; 1890, 408.

Chapter 145.—Of Marriage.

SECT. 4. Marriages made in good faith, one of the parties believing that a former husband or wife is dead or divorced, are made valid when the impediment is removed. St. 1895, 427.

SECT. 11 is extended to residence here for five years unless libellant removed here for the purpose. St. 1886, 36.

SECTS. 11, 15. The superior court has exclusive original jurisdiction under these sections. St. 1887, 332.

SECT. 16. The marriage of minors is regulated. St. 1894, 401, 409 § 4. Additional provisions relative to notices and certificates. St. 1894, 409.

SECTS. 22, 27. Clergymen and licensed Israelitish rabbis may solemnize marriages anywhere in the State. St. 1894, 409 § 5. (See 1893, 461.)

SECT. 24. The returns shall be preserved and arranged for reference. St. 1887, 202 § 3.

Change made in form of record and returns. St. 1892, 300.

Chapter 146.—Of Divorce.

Provision is made for returns of statistics of divorce. St. 1882, 194.

The superior court has exclusive original jurisdiction of all cases of divorce and nullity and validity of marriages. St. 1887, 332.

SECT. 1. Divorce may be decreed for gross and confirmed drunkenness caused by the use of opium or other drugs. St. 1889, 447. And for any legal cause, notwithstanding an absence which would raise a presumption of death. St. 1884, 219.

SECT. 10. When adultery is charged the alleged *particeps criminis* may contest. St. 1890, 370.

SECT. 19. All decrees shall become absolute after six months unless court has otherwise ordered. St. 1893, 280. (See 1882, 223; 1893, 194.)

SECTS. 42-44. Procuring a fraudulent divorce; advertising, by one not a member of the bar, the business of procuring divorces; and unlawfully issuing certificates of divorce, are made offences. St. 1886, 342; 1887, 320; 1891, 59.

Chapter 147. — Of Certain Rights and Liabilities of Husband and Wife.

A wife has right of interment in any tomb or lot which her husband owned during coverture. St. 1883, 262. (See 1885, 302; 1892, 165.)

SECT. 1. A wife cannot, without his written consent, destroy or impair her husband's life estate in one-half her lands where there is no issue. St. 1889, 204. (See 1884, 301; 1885, 255; 1887, 290.)

SECT. 3 is revised. Nothing contained in the preceding section shall authorize such transfer. St. 1884, 132.

SECT. 6 extended to the case where there is no issue, and exception is made if the wife is living apart for cause approved by the court. St. 1885, 255; 1887, 290. (See 1884, 301.)

SECT. 16 *et seq.* Provision is made for release of the courtesy by the guardian of an insane husband. St. 1886, 245.

SECT. 20. The notice shall be such as the court may order. St. 1890, 105.

SECTS. 31-33, 36. The probate court has exclusive original jurisdiction under these sections and the appeal is to the superior court. St. 1887, 332 §§ 2, 3. (See 1882, 270; 1884, 210; 1885, 176; 1888, 290; 1893, 262; 1895, 116.)

Provision for receivers of estates of absent persons whose address is unknown, having a wife or child dependent on them for support. St. 1894, 203.

SECT. 36. Probate courts may require parents to contribute to support of children under guardianship. St. 1891, 358.

Chapter 148. — Of the Adoption of Children and the Change of Names.

Adoption of pauper and illegitimate children regulated. St. 1891, 194; 1892, 318. (See 1882, 270; 1889, 309, 416.)

SECT. 3 is amended. St. 1886, 101 § 4.

SECTS 12-14. A list of names changed, ordered published. St. 1884, 249; 1893, 191.

Chapter 150. — Of the Supreme Judicial Court.

The care and custody of the Suffolk county court house is given to the justices of the supreme judicial court. St. 1894, 453.

SECT. 5. See St. 1892, 435.

Exclusive original jurisdiction is given to the superior court in cases of divorce and nullity of marriages. St. 1887, 332 § 1. Of capital crimes. St. 1891, 379. And of petitions for partition and writs of entry. St. 1892, 169.

Appeals on petitions under sections 31-33 and 36 of chapter 147 are to superior court. St. 1887, 334 § 3. (See 1888, 290.)

SECT. 7. Questions for the full court may be heard in any county. St. 1892, 127.

SECT. 14. Further provisions in cases of frivolous appeals and exceptions. St. 1883, 223 § 15.

SECT. 16. When appeal or exceptions are not entered, the court below may affirm the judgment. St. 1888, 94. (See 1882, 239.)

SECTS. 18-20, 24, 26-29 repealed. St. 1891, 379. (See St. 1893, 394.)

SECTS. 21, 22, 23 and 25 are repealed. St. 1886, 339. (See 1891, 379.)

SECT. 30 *et seq.* Terms are abolished, return days changed and practice further regulated. St. 1835, 384; 1886, 223; 1887, 383; 1890, 374; 1892, 127, 169; 1893, 61. (See 1883, 223; 1884, 316.)

The law term for Worcester is changed. St. 1885, 48. And for Bristol, Dukes and Nantucket. St. 1891, 287.

SECT. 39. Salaries fixed and allowance made for travelling expenses. St. 1892, 104. (See 1888, 274 § 1; 1892, 59; 1893, 327.)

Pensions are provided for. St. 1885, 162. And clerical assistance. St. 1891, 89. (See 1893, 327.)

Chapter 151. — Of the Supreme Judicial Court Equity Jurisdiction.

The equity jurisdiction is extended. St. 1884, 285; 1887, 380; 1891, 383; 1892, 435.

SECT. 2, cl. 11. See St. 1884, 285; 1887, 214 § 73.

SECTS. 5-7. Practice regulated and forms established. St. 1883, 223; 1884, 316; 1885, 384; 1887, 383; 1893, 61. (See 1892, 289, 440.)

SECT. 23. See St. 1885, 384 § 3; 1886, 223; 1892, 127.

SECT. 27 amended. St. 1895, 116. (See St. 1883, 223 § 16.)

Chapter 152. — Of the Superior Court.

SECT. 1. The number of justices is increased. St. 1892, 271. (See 1886, 31; 1888, 58.)

SECT. 2. Provision for sessions by two or more justices in capital cases. St. 1894, 204. (See 1891, 379.) And without a jury in certain actions at law. St. 1891, 227.

SECTS. 3-6. Jurisdiction is given in equity and practice regulated. St. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 332, 380, 383; 1890, 154, 374; 1891, 227, 362, 383; 1892, 435, 440; 1893, 61; 1895, 116. (See 1882, 239; 1887, 246; 1890, 398.)

Separate equity docket required in Middlesex and Suffolk. St. 1892, 440.

Exclusive original jurisdiction given in causes of divorce and nullity of marriage. St. 1887, 332 § 1. (See 1894, 409 § 7; 1895, 116.) And of capital crimes. St. 1891, 379; 1894, 204. (See St. 1893, 324, 365, 394.) And of petitions for partition and writs of entry. St. 1892, 169.

Jurisdiction is given of certain appeals from the probate courts. St. 1887, 332 § 3. (See 1888, 290; 1895, 116.) And of claims against the Commonwealth. St. 1887, 246.

SECTS. 7, 8. The right to remove actions and petitions for partition under these sections is taken away. St. 1892, 169. (See 1885, 384 § 14.)

SECT. 11 repealed. St. 1892, 105.

SECT. 17. Changes in sessions: Barnstable; St. 1891, 175. Bristol; 1888, 314; 1891, 287 § 2. Dukes; 1889, 308. Essex; 1885, 191; 1889, 461; 1895, 256. Franklin; 1889, 327. Hampden; 1885, 27. Middlesex; 1892, 391. Norfolk; 1889, 287. Worcester; 1894, 118, 169.

Provision for speedy trials in Suffolk in certain cases. St. 1894, 283, 547.

SECT. 18. Changes in adjourned sessions: Essex; St. 1889, 461. Plymouth; 1885, 134.

Terms are abolished and return days changed. St. 1885, 384.

Petitions for damages for land taken by any town in Nantucket or Dukes may be brought in Bristol. St. 1887, 50. (See 1885, 384 § 1.)

SECT. 24 is repealed. St. 1887, 183.

SECT. 28. Provision made for pensions. St. 1887, 420.

Salaries are fixed and allowance made for travelling expenses. St. 1892, 328. (See 1882, 205; 1888, 274; 1892, 59.)

Chapter 153.—Of Matters Common to the Supreme Judicial Court and the Superior Court.

SECT. 3. See St. 1886, 224.

SECT. 4. Provision made for agreements to postpone, etc., cases on the trial lists. St. 1884, 304; 1890, 154. (See 1889, 459; 1890, 451.)

SECTS. 6–8. See St. 1891, 227.

SECT. 8. Time for filing exceptions extended. Presiding justice may require a transcript of the evidence. St. 1895, 153.

SECTS. 10, 13. Provisions for proving exceptions when the disability or death of the justice prevents his signing them. St. 1894, 412. (See 1882, 239.)

SECT. 12 extended to criminal cases. St. 1891, 362.

SECT. 15. Clerks shall furnish to the attorney-general printed copies of exceptions and reports in cases in which the Commonwealth is interested. St. 1890, 374.

SECT. 23. The original vouchers or bills must be delivered with the orders. St. 1890, 206. (See 1890, 204.)

Chapter 154.—Of the Police, District and Municipal Courts.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396; 1894, 142, 173, 398, 431; 1895, 245. (See 1882, 95; 1884, 188; 1885, 45, 132, 149, 322; 1887, 293; 1888, 180, 285, 352, 415; 1890, 225, 359, 440 § 10; 1892, 148, 268; 1893, 385.)

Provision made for hearings on agreed facts before all the justices. St. 1894, 173.

Payment of interpreters and of witnesses from without the Commonwealth allowed in criminal cases. St. 1893, 385.

SECT. 1. Police and district courts are established, as follows: First and second, of Barnstable; St. 1890, 177. Fourth, Berkshire; St. 1895, 176. Brockton; St. 1885, 155. Brookline; St. 1882, 233. East Boston, dis-

trict; St. 1886, 15. Second, Essex; St. 1888, 193. Western Hampden; St. 1886, 190. Hampshire; St. 1882, 227. Marlborough; St. 1882, 233. Third and fourth, eastern Middlesex; St. 1882, 233. Southern Norfolk; St. 1891, 273. First, northern Worcester; St. 1884, 215.

SECT. 2. Courts abolished: East Boston, municipal; St. 1886, 15. Cambridge, police; St. 1882, 233. First, Plymouth; St. 1885, 155.

Judicial districts changed: Northern Berkshire; St. 1895, 176. Brockton; St. 1887, 322. East Boston; 1882, 146. (See 1886, 15.) Gloucester; 1888, 249. First, eastern Middlesex; 1888, 59. Fourth, eastern Middlesex; 1888, 59; 1889, 312. First, southern Middlesex; 1882, 169.

SECTS. 4, 25. See St. 1882, 43; 1885, 132; 1893, 396 § 63.

SECTS. 5, 6. Clerks given: First, Berkshire; St. 1895, 176. Southern Berkshire; St. 1886, 333. (See 1884, 231.) Brookline; 1888, 60. Chelsea; 1882, 176. Chicopee; 1891, 78. Hampshire; 1883, 80. Lowell (assistant); 1889, 152. Second, eastern Middlesex; 1883, 97.

Clerical assistance allowed: Bristol; St. 1892, 62. Lowell; St. 1888, 246; 1889, 152. First, eastern Middlesex; St. 1889, 317. Third, eastern Middlesex; 1893, 370. Central Worcester; 1895, 260.

Clerks and justices of courts having no clerks must deposit public moneys beyond what is required for immediate use. St. 1890, 215. (See 1890, 204.)

SECT. 8. See St. 1888, 352; 1893, 396 § 67.

SECT. 11. See St. 1885, 149, 322; 1887, 293; 1892, 188 § 5; 1893, 172 § 4; 1893, 396 §§ 34-43.

Jurisdiction given in naturalization proceedings. St. 1885, 345; 1886, 45, 203; 1891, 180, 419; 1892, 348.

SECTS. 11-22. See St. 1893, 396 §§ 12, 34-43.

SECT. 23. Sessions changed: Northern Berkshire; St. 1884, 266. Hampshire; St. 1883, 75; 1889, 122. (See 1882, 227; 1883, 80.) First, eastern Middlesex; St. 1893, 350. Northern Worcester; 1888, 212.

SECTS. 23, 25. See St. 1884, 188; 1893, 396 § 56.

SECT. 24 extended. Certification and audit of expenses regulated. St. 1890, 440 § 11; 1891, 70. (See 1893, 396 § 9.)

SECT. 25. See St. 1892, 268; 1893, 396 § 55.

SECT. 26. Travelling expenses allowed to special justice in Hampshire. St. 1884, 205. (See 1885, 40.)

SECT. 27 *et seq.* See St. 1886, 13; 1888, 285, 415; 1890, 359; 1893, 396 §§ 46, 59, 64.

SECT. 30. Fac-simile of clerk's signature may be used on certain processes. St. 1886, 13. (See 1885, 321; 1893, 396 § 64.)

SECTS. 34, 35. A controller of accounts is provided for, and method of accounting regulated. St. 1887, 438; 1888, 275; 1890, 204, 216, 440; 1893, 270. (See 1886, 169.)

Funds beyond what are required for immediate use must be deposited. St. 1890, 215.

Apportionment of fines to informers in certain cases. St. 1891, 416. (See 1890, 440 § 5.)

SECT. 36. Payment of witness fees regulated. St. 1888, 180; 1890, 440 § 8; 1891, 392; 1893, 396 § 9. (See 1893, 385.)

SECT. 37. Fees and costs are regulated in certain cases. St. 1890, 256, 353, 440; 1891, 71, 325, 416; 1892, 200. (See 1892, 231, 268; 1893, 385.)

SECT. 38. See St. 1885, 235.

No court fees shall be allowed or taxed in criminal cases. St. 1890, 256.

SECT. 39 *et seq.* Appeals regulated. St. 1893, 396 §§ 24-32. (See 1882, 95; 1890, 224, 440 § 10.)

SECT. 42 *et seq.* The justices may act for each other in certain cases. St. 1882, 43. (See 1885, 132.) May sentence or commit to house of industry instead of to house of correction or jail. St. 1895, 224.

St. 1893, 396, applies to these courts, except the municipal court. St. 1894, 431. (See 1894, 142, 173, 398.)

The municipal court of East Boston is abolished, and East Boston district court established. St. 1886, 15. (See 1882, 146.)

Clerks and clerical assistance provided for: East Boston; St. 1886, 15. South Boston; 1887, 327. Brighton; 1894, 363. Charlestown; 1889, 206. Dorchester; 1885, 79. West Roxbury; 1887, 274.

SECT. 55. Number of justices increased. St. 1882, 41; 1888, 419 § 11; 1894, 308.

SECT. 58. Assistant clerks and clerical assistance provided for. St. 1883, 47; 1885, 42 § 2, 137 § 2; 1888, 419 § 13; 1889, 170; 1893, 371; 1895, 125.

SECTS. 59, 60. Jurisdiction extended. St. 1894, 431 § 2.

SECT. 62. Additional sessions by special justice provided for. St. 1885, 42 § 1. When he acts he must state in the record the fact which gives him jurisdiction. St. 1892, 268.

SECT. 63 revised. St. 1895, 457.

SECT. 64. Salaries of justices fixed: First and second Barnstable; St. 1890, 177. Central Berkshire; 1887, 190. Northern Berkshire; 1887, 61. (See 1884, 266 § 3.) Southern Berkshire; 1884, 231. Boston; 1887, 163. (See 1882, 41 § 2.) East Boston; 1892, 100. (See 1886, 15.) South Boston; 1889, 242. Brighton; 1885, 49. First Bristol; 1889, 261. (See 1884, 220.) Second Bristol; 1891, 108. Third Bristol; 1889, 54. Brockton; 1885, 155. Brookline; 1884, 211. (See 1882, 233 § 6.) Charlestown; 1891, 160. (See 1889, 227.) Chelsea; 1894, 470. Dorchester; 1885, 79. First Essex; 1882, 245. Second Essex; 1888, 193. Fitchburg; 1889, 97. (See 1882, 245.) Gloucester; 1888, 234. Eastern Hampden; 1889, 130. Western Hampden; 1886, 190. Hampshire; 1883, 75. (See 1882, 227; 1883, 80; 1884, 205.) Haverhill; 1882, 245. Holyoke; 1886, 151. Lawrence; 1893, 479. (See 1888, 110.) Lee; 1894, 373. Lowell; 1893, 479. (See 1886, 307.) Lynn; 1891, 162. (See 1886, 154.) Marlborough; 1892, 93. (See 1882, 233.) Central Middlesex; 1890, 238. First eastern Middlesex; 1893, 479. (See 1882, 245; 1886, 166.) Second eastern Middlesex; 1886, 123. (See 1882, 245.) Third eastern Middlesex; 1882, 233. Fourth eastern Middlesex; 1893, 479. (See 1882, 233.) First northern Middlesex; 1889, 198. First southern Middlesex; 1889, 12. Newburyport; 1882, 245. Newton; 1893, 479. (See 1890, 93.) East Norfolk; 1889, 263. Southern Nor-

folk; 1891, 273. Third Plymouth; 1894, 321. Fourth Plymouth; 1889, 281. Roxbury; 1889, 217. West Roxbury; 1883, 111. Somerville; 1891, 161. (See 1882, 245; 1887, 180.) Springfield; 1887, 171. Central Worcester; 1888, 50. First eastern Worcester; 1884, 208. Second eastern Worcester; 1889, 158. (See 1882, 245.) First northern Worcester; 1893, 479. (See 1884, 215 § 4.) First southern Worcester; 1890, 131. Second southern Worcester; 1888, 173. Third southern Worcester; 1882, 245.

Salaries of clerks fixed: Central Berkshire; 1893, 479. (See 1882, 245.) Northern Berkshire; 1888, 89. (See 1887, 61.) Southern Berkshire; 1894, 374. (See 1884, 231; 1886, 333 § 4; 1887, 227.) Boston, civil; 1882, 245. First assistant; 1889, 39. Second assistant; 1889, 143. Third assistant; 1892, 58. (See 1889, 170.) Criminal clerk and assistant; 1893, 479. (See 1882, 245; 1885, 137.) East Boston; 1886, 15. (See 1882, 245.) South Boston; 1882, 245. Assistant; 1894, 379. (See 1887, 327.) Brighton; 1894, 363. First Bristol; 1889, 261. Second Bristol; see 1889, 62. Third Bristol; 1893, 479. (See 1889, 41.) Brockton; 1895, 500. (See 1885, 155.) Brookline; 1888, 60. Charlestown; 1887, 175. (See 1889, 206.) Chelsea; 1894, 470. (See 1882, 176; 1884, 197; 1887, 117.) Chicopee; 1891, 78. Dorchester; 1893, 479. (See 1885, 79; 1886, 124.) First Essex; 1882, 245. Fitchburg, 1891, 71. (See 1882, 245; 1889, 289.) Gloucester; 1888, 235. (See 1883, 53.) Western Hampden; 1893, 479. (See 1886, 190; 1888, 88.) Hampshire; 1893, 479. (See 1883, 80; 1886, 106.) Haverhill; 1888, 55. (See 1882, 245.) Holyoke; 1887, 318. (See 1884, 65.) Lawrence; 1893, 479. (See 1887, 208.) Lowell; 1893, 479. (See 1886, 307.) Assistant; 1889, 152. (See 1882, 63; 1888, 246.) Lynn; 1893, 479. Marlborough; 1892, 93. (See 1882, 233; 1889, 19.) First eastern Middlesex; 1893, 479. (See 1882, 87, 245; 1886, 167.) Assistant; 1894, 65. (See 1889, 317.) Second eastern Middlesex; 1894, 336. (See 1883, 97; 1885, 180; 1888, 233; 1891, 107.) Third eastern Middlesex; 1886, 165. (See 1882, 233.) Fourth eastern Middlesex; 1893, 479. (See 1882, 233; 1887, 174.) First northern Middlesex; 1888, 214. First southern Middlesex; 1886, 156. Newburyport; 1889, 277. (See 1882, 245.) Newton; 1893, 479. (See 1886, 158.) East Norfolk; 1893, 479. (See 1888, 54.) Southern Norfolk; 1891, 273. First Plymouth; 1883, 57. (See 1885, 155.) Third Plymouth; 1889, 137. Fourth Plymouth; 1891, 190. (See 1884, 204.) Roxbury, clerk; 1893, 479. Assistant; 1889, 239. (See 1882, 245.) Somerville; 1887, 265. (See 1882, 245.) Springfield; 1889, 28. (See 1886, 155.) West Roxbury; 1893, 479. (See 1887, 274; 1889, 92.) Central Worcester; 1889, 83. Assistant; 1893, 479. (See 1882, 245; 1888, 184.) Second eastern Worcester; 1889, 218. (See 1882, 245.) First northern Worcester; 1885, 286. (See 1884, 215 § 4.)

Compensation of special justices and *pro tempore* clerks regulated. St. 1893, 396 §§ 66, 67; 1894, 142, 173 § 2; 1895, 245. (See 1888, 352.)

Salaries of constables in attendance fixed: Boston, civil; St. 1886, 130. Criminal; 1888, 195. (See 1886, 130; 1895, 457.) Brighton; 1886, 148. Charlestown; 1886, 136. East Boston and South Boston; 1882, 245. Roxbury; 1889, 174. West Roxbury; 1886, 148.

Chapter 155.—Of Justices of the Peace and Trial Justices.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396; 1894, 398.

Women who are appointed special commissioners shall have same powers as justices of the peace in certain cases. St. 1889, 197. (See 1882, 139; 1883, 252.)

SECT. 3. Justices may summon witnesses in civil cases. St. 1885, 141. (See 1884, 247.)

SECT. 4. Power of justices to issue warrants modified. St. 1884, 286. (See 1884, 191.)

SECT. 10. In Dukes county three trial justices. St. 1892, 408.

SECT. 12 *et seq.* Execution may run into any county. St. 1895, 380.

SECT. 17 *et seq.* No original writ shall be returnable more than sixty days from date. St. 1892, 148; 1893, 396 § 17.

Provision is made for preservation of records, etc., of trial justices. St. 1888, 211.

SECT. 21. In case of failure to attend an adjourned hearing another justice may act in certain cases. St. 1883, 175. (See 1890, 202.)

SECTS. 24-26. Bond required instead of recognizance before removal. St. 1888, 325. These sections shall not apply to actions before district and police courts. St. 1893, 396 § 21.

SECT. 28. Appeal is to be entered at next return day. St. 1885, 384 § 5.

SECT. 29 *et seq.* No bond, recognizance or deposit required in a replevin suit. St. 1890, 224. (See 1882, 95; 1893, 396 § 29.)

SECTS. 37, 38. See St. 1890, 202.

SECTS. 40, 41. See St. 1888, 211.

SECT. 42. See St. 1895, 380.

SECT. 43 *et seq.* Jurisdiction of trial justices extended. St. 1885, 149, 356; 1892, 160, 188 § 5; 1893, 172 § 4. (See 1893, 414; 1894, 505.) Payment of interpreters and of witnesses from without the State allowed in criminal cases. St. 1893, 385.

Form of warrants for commitment for non-payment of fines modified. St. 1891, 416.

SECT. 44. See St. 1893, 396 § 46.

SECT. 49. Commitments of children under twelve restricted. St. 1882, 127.

Costs regulated in certain cases. St. 1889, 469. (See 1893, 385.)

SECT. 62. See St. 1894, 505.

SECTS. 63, 65. Appellant must pay the jailer's fees in certain cases. St. 1890, 328.

SECTS. 67 *et seq.*, 74, 75. Provision made for completion of unfinished business before trial justices. St. 1890, 202. (See 1883, 175.)

SECT. 68. Commitments for contempt may be to any jail. St. 1886, 224.

SECTS. 69, 77 *et seq.* Provision made for uniform dockets and blanks except in certain cases. St. 1888, 285. (See 1893, 396 § 59.)

SECT. 78 repealed. Payments and accounting regulated. St. 1887, 438; 1890, 204, 215, 216, 440; 1891, 70, 325, 416; 1893, 270, 385. (See 1886, 169; 1888, 275.)

Chapter 156. — Of Probate Courts.

Uniform rules of practice and blanks are provided for. St. 1893, 372. (See Res. 1893, 23.)

Form of accounts regulated. St. 1895, 210.

Judges may act for or assist each other. St. 1892, 337; 1894, 377. An additional judge is provided for in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

Probate courts may appoint auditors to examine accounts. St. 1889, 311.

Any act or proceeding within the power of the court in the first instance may be confirmed. St. 1888, 420.

The probate of a will, or a determination of intestacy, is made conclusive in certain cases after two years. St. 1889, 435.

Disposition of certain moneys unclaimed or not payable regulated. St. 1885, 376; 1889, 185, 449 § 2; 1890, 408. (See 1893, 379.)

Attorneys may appear in probate proceedings, and process and notices may be served on them as if upon the parties. St. 1890, 420.

SECT. 2. Jurisdiction extended. St. 1887, 332 § 2; 1891, 415, 425 § 14; 1892, 116; 1894, 164, 536. (See 1891, 358; 1894, 128, 203, 303, 401.)

SECTS. 5-11. Appeals in certain cases regulated. St. 1887, 332 § 3; 1888, 290; 1890, 261 § 3; 1891, 415 § 3; 1895, 116.

SECTS. 7, 8 amended. St. 1888, 290.

SECTS. 9, 13 amended. The superior court is to act in certain cases. St. 1890, 261. (See 1891, 415.)

SECT. 22. See St. 1893, 372. Provision for a constable to attend the court in Suffolk. St. 1884, 140; 1894, 66. (See 1887, 156.) And in Middlesex. St. 1895, 246 § 1.

SECTS. 27, 28. Provision for rearranging worn records and dockets. St. 1891, 225.

SECT. 32. See St. 1885, 376; 1889, 185; 1890, 408; 1893, 379.

SECT. 35. Expenses may also be awarded. St. 1884, 131. (See 1884, 291.)

SECT. 44. Limit of expense changed. St. 1893, 422. (See 1884, 118; 1887, 217.)

SECT. 45. See St. 1886, 224.

SECT. 48. Provision made for cases of holidays. St. 1884, 141.

Courts shall always be open for matters in equity hearings, contempt proceedings and for making orders and decrees in such matters, except on legal holidays. St. 1895, 215.

Changes in sessions: Barnstable; St. 1893, 343. Franklin; 1887, 46. Hampden; 1884, 294. Hampshire; 1886, 145. Middlesex; 1889, 182. Plymouth; 1887, 63; 1889, 269. (See 1889, 237.) Suffolk; 1892, 202. (See 1893, 379.) Worcester; 1893, 348.

Chapter 157. — Of Courts of Insolvency.

Petition may be brought in county where debtor had a usual place of business. St. 1893, 405.

Attorneys may appear and be served with notices and process. St. 1890, 120.

Jurisdiction in equity given in insolvency cases. St. 1894, 164.

Uniform rules of practice provided for. St. 1893, 372.

Two judges in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

Composition with creditors provided for and regulated. St. 1884, 236; 1885, 353; 1889, 406; 1890, 387; 1895, 394 § 4. (See 1886, 322; 1888, 405.)

Provision made for special judgments against insolvent debtors whose property is under attachment or brought within the control of the court. St. 1885, 59; 1892, 209. And where bond to dissolve attachment or process review is given, and debtor discharged in composition proceedings. St. 1888, 405; 1895, 234 § 4.

Voluntary assignments are authorized and proceedings regulated. St. 1887, 340.

SECT. 3. Courts shall always be open for certain purposes except on legal holidays. St. 1895, 215.

SECT. 5. Commitments for contempt may be made to any jail. St. 1886, 224.

SECT. 15. See St. 1894, 164.

SECT. 16. See St. 1893, 405 § 1.

SECTS. 19, 80. Accidental delay or omission to file schedules not to defeat discharge. St. 1886, 290. Nor failure to keep proper books in certain cases. St. 1894, 496.

SECT. 26. Equitable liabilities may be proved. St. 1884, 293.

SECTS. 36-38. See St. 1889, 420.

SECTS. 36, 91. Appeal is to be entered on next return day. St. 1885, 384 § 5.

SECT. 40. Non-resident assignees must appoint a resident agent. St. 1889, 313. (See 1890, 420.)

SECT. 46. Voluntary assignments are valid against an assignee in insolvency, subsequently appointed, in certain cases. St. 1887, 340.

A mortgage, if recorded more than four months after its date, is not good against assignee in certain cases. St. 1888, 393.

SECTS. 64-66. Provision made for case of death of assignee after disposal of property and before settlement of accounts. St. 1891, 400.

SECT. 70. Fees of witnesses regulated. St. 1890, 277.

SECT. 84. No claim against a pledgee, created by an unauthorized sale of the collateral security, shall be discharged. St. 1885, 353 § 6. (See 1884, 236 § 9.)

SECT. 93 amended by omitting the clause making the giving of preferences an objection to a discharge. St. 1886, 322.

SECT. 96 *et seq.* A pledge or payment of a reasonable sum for legal services may be allowed. St. 1889, 420.

SECT. 99. If the debtor does not apply, the court may make an allowance to his wife or minor children. St. 1888, 67.

SECT. 102. Accounts must be sworn to. St. 1884, 126.

SECT. 103. Provision made for investment of unclaimed dividends. St. 1883, 242.

SECT. 112 is revised. St. 1895, 209. (See 1890, 431; 1893, 405 § 2; 1894, 261.)

SECT. 115 is revised. St. 1894, 139.

SECT. 116 amended. St. 1893, 405 § 3.

SECT. 120 repealed and a substitute passed. St. 1894, 30. (See 1893, 405 § 4.)

SECTS. 127–130, 136. Provision made for insolvency proceedings by and against certain foreign corporations. St. 1890, 321.

SECTS. 137, 138 are repealed and fees established. St. 1895, 394. (See 1885, 353 § 4; 1889, 417; 1892, 359.)

SECT. 139 amended. Provable costs, expenses, etc., limited. St. 1892, 359. (See 1895, 394.)

Chapter 158.—Of Judges and Registers of Probate.

Judges may act for or assist each other. St. 1892, 337; 1894, 377. Two judges in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

Register's accounts regulated. St. 1894, 183. (See 1887, 438; 1888, 275; 1890, 216, 306; 1893, 270.)

SECT. 8. Registers shall send to the State treasurer copy of inventory of estates subject to a collateral succession tax. St. 1891, 425 § 10.

SECT. 10. Powers of registers enlarged. St. 1894, 199.

SECT. 23. Salaries of judges fixed. St. 1893, 469. (See as to Barnstable; St. 1887, 166.) Berkshire; 1884, 192. Bristol; 1885, 165; 1889, 211. Dukes; 1885, 318. Essex; 1883, 244; 1888, 112. Hampden; 1894, 352. (See 1886, 189.) Middlesex; 1882, 129; 1886, 184; 1889, 251. Junior; 1894, 427. Nantucket; 1890, 115. Norfolk; 1887, 72. Plymouth; 1886, 183. Suffolk; 1885, 203; 1893, 379. Worcester; 1885, 275.

Salaries of registers and assistant registers fixed. St. 1893, 469. (See as to Berkshire; St. 1884, 192. Essex; 1887, 273. Franklin, assistant; 1893, 151. Hampden; 1884, 248. Middlesex; 1887, 259; 1891, 318. Suffolk; 1882, 144; 1891, 91. Worcester; 1888, 152.)

SECTS. 23, 24. Allowance made for clerical assistance: Bristol; St. 1889, 136. Essex; 1886, 114; 1895, 174. Middlesex; 1893, 344; 1895, 459. (See 1890, 192.) Plymouth; 1894, 312. Suffolk; 1892, 230; 1893, 431; 1895, 364. (See 1885, 205; 1888, 280; 1889, 418.) Worcester; 1894, 259. (See 1887, 39; 1889, 209.)

SECT. 24 shall not apply to Suffolk. St. 1885, 205 § 2. Or to Franklin. St. 1893, 151 § 2.

Chapter 159.—Of Clerks, Attorneys and Other Officers of Judicial Courts.

SECTS. 2, 5, 31. Clerical assistance provided for. St. 1893, 327; 1894, 136.

SECT. 3. Clerk shall forward to attorney-general copies of exceptions and reports in cases in which he appears for the Commonwealth. St. 1890, 374; 1895, 372.

SECT. 4. Fac-simile of clerk's signature may be used on all processes except executions. St. 1886, 13.

SECT. 6. When regular clerk is absent, county commissioners shall appoint one of their number clerk *pro tempore*. St. 1890, 198.

SECTS. 8, 9, 31. Additional assistants given: Essex; St. 1889, 444. Middlesex; 1889, 11; 1890, 201. Suffolk; 1888, 153 (3d); 1889, 50 (4th); 1892, 87 (5th); 1895, 251 (equity); 1895, 393, 480 (6th). Signatures of assistants regulated. St. 1889, 215; 1895, 251.

SECT. 13. Return of oath required. St. 1894, 228.

SECTS. 27, 28. Accounting for fees, etc., regulated. St. 1887, 291, 438; 1888, 257; 1890, 209, 215, 216; 1891, 87, 236. (See 1890, 360.)

Clerks must deposit public funds beyond what are required for immediate use. St. 1890, 215. Certain unclaimed funds are to be paid to the treasurer of the Commonwealth. St. 1890, 330.

SECTS. 29, 31. Salaries changed: Clerks: Supreme judicial court, Suffolk; St. 1887, 291. Superior court, Barnstable; 1892, 95. Dukes; 1887, 112. Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk and Worcester; 1888, 257. Assistant clerks: Middlesex; 1892, 187. Suffolk; 1885, 250; 1893, 153, 190. Worcester; 1891, 92. (See 1889, 11; 1890, 201; 1895, 251, 293.)

SECT. 34 *et seq.* Women may be admitted to practise. St. 1882, 139. (See 1883, 252; 1889, 197.)

The fee for admission to the bar is fixed. St. 1888, 257 § 5.

SECTS. 34, 39. Disbarred attorneys who continue to practise, and persons falsely representing themselves to be attorneys, are subject to a penalty. St. 1891, 418.

SECT. 44. Word "suit" applies to any proceeding before any court. St. 1884, 170.

SECTS. 47, 48. Masters, assessors and referees, and arbitrators under chapter 188, upon whose awards judgment is entered, are to be paid by the county. St. 1883, 216; 1886, 51; 1887, 289.

They are to have no fees unless report is filed within ninety days. St. 1888, 282.

SECT. 51. The fee for a rule to an auditor is fixed at one dollar. St. 1888, 257 § 5.

The probate court may appoint auditors in certain cases. St. 1889, 311.

SECTS. 56-63. Publication of reports regulated. St. 1889, 471. Reporter's salary fixed, and allowance made for clerk hire and incidental expenses. St. 1892, 380. (See 1889, 471 § 4.)

SECT. 64 *et seq.* Number of officers in attendance regulated, their duties defined and compensation fixed, in Suffolk: Supreme judicial court; St. 1882, 232; 1886, 37; 1887, 243; 1890, 294. Superior court; St. 1886, 37; 1888, 357. (See 1882, 245 § 3; 1883, 54.) Middlesex supreme judicial and superior courts. St. 1892, 107; 1895, 246, 369.

And in probate and insolvency courts. St. 1884, 140; 1887, 156, 243; 1895, 246.

Uniforms required in certain cases. St. 1888, 371; 1891, 181; 1892, 107 § 5; 1895, 246 § 3.

SECTS. 72, 75 are revised. Official stenographers provided for in all counties, and their duties and compensation fixed. St. 1885, 291; 1887,

24, 74; 1889, 324; 1892, 133; 1893, 404, 452; 1894, 68, 330, 424. (See 1895, 153 § 2.)

Chapter 160.—Special Provisions respecting Courts and the Administration of Justice.

SECT. 4. When Christmas falls on Sunday the courts are not open on the following day. St. 1882, 49. The first Monday of September is "Labor's holiday." St. 1887, 263. Fast day abolished and April 19 made a holiday. St. 1894, 130. (See 1888, 254.)

SECTS. 8-10. The laws as to naturalization are revised; jurisdiction is given to the lower courts. St. 1885, 345; 1886, 45, 203; 1887, 36, 329; 1891, 180, 419; 1892, 348. (See 1884, 298 § 38; 1888, 257 § 4; 1893, 376, 417 § 237.)

SECT. 9 is repealed; primary declarations may be made at any time. St. 1886, 45; 1891, 180.

Chapter 161.—Of the Commencement of Actions and the Service of Process.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396.

SECT. 1 applies to equity suits. St. 1883, 223 § 13.

SECTS. 1-12. The supreme judicial and superior courts may change the venue in certain cases. St. 1887, 347.

SECT. 10. The motion may be filed within thirty days after the day for appearance. St. 1885, 384 § 14. (See 1892, 169.)

SECT. 13 *et seq.* All civil actions, at law or in equity (except replevin), in the supreme judicial and superior courts, may be commenced in either form. St. 1887, 383.

Fac-simile of clerk's signature may be used on certain processes. St. 1886, 13. (See 1885, 321.)

No original writ issued by a trial justice, or district, police or municipal court, shall be returnable more than sixty days from date. St. 1892, 148; 1893, 396 § 17.

SECTS. 23, 27. Terms are abolished and writs are returnable on first Monday of each month. St. 1885, 384.

SECTS. 32, 34, 36. See St. 1884, 330; 1886, 230; 1889, 393; 1890, 321.

SECTS. 38-60. The right to attach the property of newspaper offices is limited. St. 1890, 377.

SECT. 62. All attachments must be deposited in the registry of deeds. St. 1889, 401. (See 1892, 289.)

SECT. 84. Justices of the supreme judicial or superior court may order clerk to issue process in cases pending in another county. St. 1886, 223. (See 1885, 384 § 3.)

SECT. 122. A fidelity insurance company may be the only surety. St. 1894, 522 § 61. (See 1884, 296 § 3; 1887, 214 § 61.)

SECT. 122 *et seq.* Bonds must contain a provision for special judgments under St. 1888, 405. (See 1885, 59.) The sureties are released by princi-

pal's discharge in insolvency proceedings begun within four months. St. 1889, 470. Office of commissioner of insolvency abolished. St. 1895, 100.
SECT. 127. See St. 1892, 359.

Chapter 162. — Of Arrest, Imprisonment and Discharge.

SECT. 1. Office of commissioner of insolvency abolished. St. 1895, 100.

SECTS. 17, 18, 20, 25, 27, 28, 33, 34, 54 are amended. Poor debtor proceedings are regulated. St. 1888, 419; 1889, 415; 1890, 128; 1891, 271, 313, 407. (See 1887, 422; 1893, 62; 1894, 184; 1895, 308.)

The place of proceedings is fixed. St. 1894, 184.

SECT. 17. Notice of examination must be given under either of the charges in this section. St. 1887, 442. Affidavit may be made at any time before the certificate is issued. St. 1891, 407.

SECTS. 32, 34. A debtor shall not suffer default by reason of the absence or disability of the magistrate, if a new notice is issued within three days. St. 1887, 442 §§ 3, 4.

SECT. 36. If recognizance is not satisfactory debtor may be imprisoned. St. 1889, 415 § 4.

SECT. 68. The fees are changed, and the mode of their recovery. They are to be accounted for. St. 1888, 419 § 13; 1889, 415 §§ 6, 7; 1893, 62.

Chapter 163. — Of Bail.

SECT. 4. Office of commissioner of insolvency abolished. St. 1895, 100.

SECT. 12 is amended. The bail is discharged on paying costs, if the principal dies. St. 1884, 260.

Chapter 164. — Of Proceedings against Absent Defendants, and upon Insufficient Service.

Provision made for service on foreign corporations. St. 1884, 330. (See 1886, 230; 1889, 393; 1890, 321.)

SECT. 6. Notice must be given within one year to a non-resident of attachment of his real estate. St. 1884, 268. (See 1892, 289.) Personal service may be ordered in certain cases. St. 1894, 384.

SECT. 7 amended as to time for appearance. St. 1885, 384 § 8.

Chapter 167. — Of Pleading and Practice.

Court terms are abolished, return days changed and practice regulated. St. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 332, 380, 383; 1890, 154, 374, 398, 451; 1891, 227, 362; 1892, 440; 1893, 61.

Where there are two or more shire towns, the shire town at which an action shall be tried may be designated on entry of the writ. St. 1882, 264.

All civil actions at law or in equity (except replevin) in supreme judicial or superior court may be begun by bill or petition, or by writ with bill or petition inserted, and relief given as the case requires. St. 1887, 383.

Claimants of funds in defendant's hands may be summoned in and the parties required to interplead. St. 1886, 281. (See 1883, 62; 1888, 345.)

SECTS. 2-10. A form for declaring for recovery of interest is established. St. 1890, 398.

SECT. 8. If copy is not furnished, the action may be discontinued on motion. St. 1894, 405.

SECT. 9 amended. On failure to file a declaration the action may be dismissed on motion. St. 1885, 384 § 6.

SECTS. 9, 11-20, 24-29, 40, 41 and 81 apply to actions in district and police courts. St. 1893, 396 § 23.

SECT. 11. Demurrers in equity regulated. St. 1883, 223 § 10. (See 1887, 383 § 2.)

SECT. 13 *et seq.* Any matter which in equity would entitle the defendant to be absolutely relieved from plaintiff's claim may be alleged. St. 1883, 223 § 14; 1887, 383.

SECT. 43. The superior court retains jurisdiction although the action be changed to equity. St. 1883, 223 § 17; 1887, 383 § 3.

SECTS. 46, 47 are repealed, and new provisions made as to defaults. St. 1885, 384 §§ 7-11.

SECTS. 64, 67 *et seq.* Provision made for postponement, etc., of cases on trial list. St. 1884, 304; 1890, 154. (See 1890, 451.)

A printed daily trial list of civil cases is required in superior court, Suffolk. St. 1889, 459.

An attorney when actually engaged in the trial of a cause in the supreme judicial or superior court is not obliged to proceed to trial of another cause, unless the court deems it just and reasonable. St. 1890, 451.

SECT. 65. See St. 1893, 396 § 20.

SECT. 69. Time for filing claim for jury trial extended. St. 1894, 357.

SECT. 70. See St. 1882, 239; 1894, 412.

SECT. 80. Retraction of libel may be proved in mitigation of damages. St. 1895, 441.

SECT. 89. See St. 1893, 396 § 23.

SECT. 90. District court of Hampshire is added. St. 1891, 139.

Police courts may order defendant to answer. St. 1886, 64.

Chapter 169.—Of Witnesses and Evidence.

Treatment of witnesses in custody regulated. St. 1894, 160, 270. Compensation allowed for detention in jail. St. 1894, 406.

SECT. 1 is revised and right to issue summonses extended. St. 1885, 141; 1889, 197. (See 1884, 247.)

SECT. 5. See St. 1886, 224.

SECTS. 7, 8 extended to boards of police commissioners. St. 1882, 267.

Justices of supreme judicial or superior court may compel attendance of witnesses before tribunals having power to summon, but not to compel attendance. St. 1883, 195.

SECTS. 28, 41. Where the adverse party does not appear, no notice of taking deposition or exhibition of interrogatories is required. St. 1883, 188.

SECT. 54 is amended. Notice to non-resident parties is provided for. St. 1882, 140.

SECTS. 69, 70. Attested copies of rules of boards of aldermen, ordi-

nances of cities, by-laws of towns and records of cities and towns are admitted. St. 1889, 387. And sworn copies of records, books and accounts of savings banks. St. 1885, 92.

Chapter 170. — Of Juries.

SECT. 6. Preparation of list of jurors in Nantucket regulated. St. 1891, 131.

SECT. 7. Publication of lists of jurors provided for. St. 1894, 514 § 3.

SECT. 10. Venires for jurors for the supreme judicial court in Barnstable regulated. St. 1889, 173.

SECT. 17. Drawing jurors in cities regulated. St. 1894, 514.

SECT. 24. Special provisions made for preparation of jury lists in Boston. St. 1888, 123.

SECT. 35. Jurors may be examined by parties or their attorneys, under direction of the court. St. 1887, 149.

SECTS. 36, 37. See St. 1895, 120.

Chapter 171. — Of Judgment and Execution.

Judgments, orders and decrees must bear date of entry. St. 1885, 384 § 13.

No judgment or decree affecting title to real estate shall be valid against third parties without notice, unless recorded. St. 1892, 289. (See 1889, 401.)

SECTS. 1, 17-24. Special judgments are provided for against insolvents whose property is attached, or under control of a court of equity on a creditor's bill or otherwise. St. 1885, 59; 1892, 209. And where bond is given to dissolve attachment or prosecute review, and defendant is discharged in composition proceedings. St. 1888, 405. (See 1884, 236; 1886, 353.)

SECT. 34. Certain funds of charitable and relief societies are exempted. St. 1886, 125 § 2; 1890, 421 § 23. Also military equipments. St. 1893, 367 § 71. (See 1885, 183 § 11; 1887, 214 § 73, 411 § 71.)

SECT. 39. When a sale has been enjoined court may order adjournments until further order. St. 1884, 175.

SECTS. 52, 53. Provision made for record of seizure in cases where the levy is suspended on account of a prior attachment. St. 1887, 407.

SECT. 54. In case of sickness or absence of the officer another may be delegated. St. 1885, 125.

Chapter 172. — Of the Levy of Execution on Real Estate.

SECT. 22. Execution and certificate must be recorded in clerk's office. St. 1895, 437.

SECT. 30. Enjoined sales may be adjourned by the court granting the injunction. St. 1884, 175.

SECTS. 32, 49. Right of redemption extended to lands set off. St. 1886, 86.

Chapter 173.—Of the Writ of Entry.

SECT. 2. Notwithstanding disseizin or adverse possession a conveyance of real estate otherwise valid vests in the grantee the rights of entry and of action for recovery. St. 1891, 354.

Chapter 175.—Of the Summary Process for the Recovery of Land.

SECT. 1. See St. 1891, 354.

SECT. 2 *et seq.* See St. 1893, 396 §§ 12, 13, 25, 29, 423 § 27.

SECTS. 6, 7, 8. A bond instead of a recognizance is to be given. St. 1888, 325.

Chapter 176.—Of Petitions for the Settlement of Title.

This chapter is repealed and a substitute enacted. St. 1893, 340.

Provision made for barring action on an undischarged mortgage after possession by the mortgagor for twenty years without act of recognition. St. 1882, 237; 1885, 283; 1890, 427 § 1. (See 1889, 442.)

Provision made for determining the validity, nature and extent of conditions, restrictions, reservations, stipulations, etc., more than thirty years old, appearing of record. St. 1889, 442; 1890, 427 § 2. (See 1882, 237; 1885, 283.)

Chapter 178.—Of the Partition of Land.

SECTS. 2, 9, 75 extended. Land in different counties may be divided in one proceeding. St. 1888, 346.

SECT. 13. The right to remove petitions for partitions under this section is taken away. St. 1892, 169. (See 1885, 384 § 14.)

SECT. 45 *et seq.* The probate court may set off his share to petitioner and allow the residue to remain in common. St. 1885, 293. (See 1887, 286; 1888, 346.)

SECT. 51. Words "newspaper or" inserted. St. 1882, 55.

SECT. 57 repealed. St. 1895, 118.

SECT. 63 amended. St. 1882, 6 § 2.

SECTS. 64-75. Provision made for partitions where there are estates for life or for a term of years, and a remainder-man. St. 1887, 286.

SECT. 65 amended. St. 1894, 104.

SECT. 69. No petition for partition shall be defeated because a party has paid off an incumbrance which other parties were entitled to redeem, but the decree shall prescribe terms of redemption. St. 1889, 468.

SECT. 75. See St. 1888, 346 § 3.

Chapter 180.—Of Actions for Private Nuisances.

Fences and other like structures over six feet in height, maliciously erected or maintained, are declared private nuisances. St. 1887, 348.

Chapter 181. — Of the Redemption and Foreclosure of Mortgages.

SECT. 17. The notice may be given in some newspaper in the county if there is none in the town. St. 1882, 75.

SECT. 27. The mortgagee may proceed with a sale already advertised unless the amount due is paid into court or the sale enjoined. St. 1888, 433.

Chapter 183. — Of the Trustee Process.

SECT. 1. See St. 1883, 223 § 11.

SECT. 3. Where a trustee is made a party for the purpose of giving jurisdiction in the county where the trustee resides, the parties not residing there, the action may be transferred. St. 1893, 285. (See St. 1893, 396 § 13.)

SECT. 7 extended to trial justices. St. 1887, 33.

SECT. 10. Appearance and answer must be within ten days from the return day of the writ. St. 1885, 384 § 9.

SECT. 29 *et seq.* The wages or lay of seamen are exempted. St. 1886, 194. But not of fishermen. St. 1890, 289.

SECT. 34. Certain funds of charitable and relief societies are not liable to attachment. St. 1886, 125; 1890, 421 § 23. (See 1885, 183 § 11; 1887, 214 § 73.)

SECT. 38. Provision is made for executions in favor of claimants. The provision as to proceedings under chapter 161, sections 80, 82, 83, is omitted. St. 1888, 345. (See 1883, 62; 1886, 281.)

SECT. 73. In a suit by the defendant against the trustee, pending the trustee process, the costs are in the discretion of the court. St. 1883, 62. (See 1886, 281; 1888, 345.)

Chapter 184. — Of the Replevin of Property.

In case of appeal from the lower courts by the plaintiff, no bond, recognizance or deposit is required. St. 1890, 224. (See St. 1893, 396 § 29.)

SECTS. 18, 19. Sureties may be approved by a justice of a police, district or municipal court. St. 1895, 388. (See 1894, 522 § 61.)

Chapter 185. — Of Habeas Corpus and Personal Replevin.

Probate courts are given jurisdiction in cases of alleged restraint of personal liberty. St. 1894, 536.

SECT. 3. Provision for habeas corpus in poor debtor proceedings. St. 1888, 419 § 12.

SECT. 18 is amended. St. 1882, 6 § 3.

Chapter 187. — Of Writs of Error and Writs of and Petitions for Review.

Upon a writ of error or other proceeding to reverse or avoid a conviction, or discharge a prisoner, the fact that the person was under seventeen years of age shall not be deemed material. St. 1892, 266.

SECTS. 16-39 are repealed and revised. St. 1895, 234. (See 1882, 249; 1888, 405 § 3; 1893, 396 § 33.)

Chapter 188.—Of Reference to Arbitration.

The fees of arbitrators under this chapter, upon whose awards judgment is entered, are to be paid by the county. St. 1887, 289. (See 1883, 216; 1886, 51.)

Chapter 189.—Of Improving Meadows and Swamps.

SECT. 15. "Return day" is substituted for "court held." St. 1885, 384 § 5.

Chapter 190.—Of Mills, Dams and Reservoirs.

SECT. 48 is extended to any stream, on certain conditions. St. 1892, 55.

SECT. 53 *et seq.* County commissioners may examine dams and reservoirs upon their own judgment, and proceed as if application had been made to them. St. 1891, 315; 1893, 99.

Chapter 191.—Of Liens on Buildings and Lands.

Provision for speedy trials in superior court, Suffolk. St. 1894, 283.

SECT. 6. Certain inaccuracies not to invalidate the statement if parties were not misled. St. 1892, 191.

SECT. 12 is repealed. St. 1888, 344 § 4.

SECTS. 13, 16, 17 are revised, and new method of procedure prescribed. St. 1888, 344. District and police courts have jurisdiction when the claim does not exceed one thousand dollars. St. 1893, 396 § 12.

SECTS. 42, 43. Any person to whom a debt would be payable for labor or materials, if it were not for a lien, may dissolve such lien by bond. St. 1890, 383. Sureties may be approved by a justice of a police, district or municipal court. St. 1895, 404.

SECT. 45. Creditor's attorney may discharge lien. St. 1891, 244.

Chapter 192.—Of Mortgages, Conditional Sales, Pledges and Liens on Personal Property.

A pawnbroker's license is required in certain cases for carrying on business of loans, etc., on personal property. St. 1895, 497. (See 1894, 416.)

The provisions of this chapter shall not apply to contracts under St. 1894, 326.

SECTS. 1, 2 are repealed, and new provisions made as to recording. St. 1883, 73.

The discharge of, and redemption of security for, small loans regulated. St. 1888, 388; 1890, 416; 1892, 428. (See 1885, 252; 1895, 497.)

Mortgages of household furniture are regulated in certain cases. St. 1892, 428 § 3.

SECTS. 7, 10. See St. 1892, 428 § 4.

SECTS. 10-12. Debts or claims against a pledgee, created by an unauthorized sale of the collateral, are not discharged in insolvency. St. 1885, 353 § 6. (See 1884, 236 § 9.)

SECT. 13. Conditional sales of furniture or household effects are regulated. St. 1884, 313; 1892, 411.

SECT. 24. Courts in the county where the petitioner has his usual place of business also have jurisdiction. St. 1888, 46.

SECT. 26 amended to conform to section 24. St. 1893, 173.

SECT. 31. Disposition of unclaimed baggage, etc., regulated. St. 1893, 419.

Chapter 195. — Of the Collection of Claims against the Commonwealth.

SECT. 1 is extended to all claims, whether at law or in equity, except those mentioned in section 7. They are subject to set-off. St. 1887, 246.

Chapter 197. — Of the Limitation of Personal Actions.

Actions to recover forfeitures for selling liquor to a minor are limited to two years. St. 1889, 390.

Actions by and against assignees in insolvency are limited. St. 1895, 432.

Chapter 198. — Of Costs in Civil Actions.

When two or more cases are tried together in the supreme judicial, superior, or any police, municipal or district court, the costs may be reduced by the presiding judge. St. 1892, 231.

SECT. 25 is revised. Time of hearing appeals changed. St. 1882, 235.

SECTS. 28-31. Term fees are abolished. St. 1888, 257; 1889, 433; 1890, 209; 1891, 87. (See 1882, 264; 1890, 360.)

Chapter 199. — Of the Fees of Certain Officers.

In criminal cases, if the complaint is unfounded, frivolous or malicious, the magistrate may refuse to allow fees to complainant. St. 1890, 440 § 13.

SECT. 2. In police, district and municipal courts no court fees are allowed in criminal cases. St. 1890, 256.

SECTS. 2, 3. The fees of trial justices and mode of approval and certification are established. St. 1890, 353; 1891, 325; 1892, 200 § 3. (See 1890, 440; 1892, 160.)

SECTS. 4, 5. The entry fee covers all clerks' fees, except in certain cases. St. 1888, 257; 1889, 433; 1890, 209; 1891, 87. (See 1890, 360.)

SECT. 6. Fees for summoning witnesses in criminal cases fixed. St. 1882, 215.

SECT. 9 is revised. Certain charges for horse hire are allowed. St. 1885, 254.

SECTS. 14, 39. When two or more cases are tried together the presiding judge may reduce the fees and costs. St. 1892, 231.

SECT. 14. Fees of witnesses in insolvency proceedings regulated. St. 1890, 277.

SECT. 15 repealed. Appraisers' fees regulated. St. 1886, 135.

SECT. 20. Fees are paid to county, and registers and assistants paid by salary. St. 1895, 493.

SECTS. 23-27 apply to registers of probate and insolvency. St. 1893, 469 § 2.

SECTS. 30, 34 *et seq.* Officers' fees, costs and expenses regulated. St. 1890, 440; 1891, 70, 325, 392; 1892, 200. (See 1889, 469; 1890, 166; 1892, 231.)

SECTS. 32, 39. See St. 1892, 231.

Chapter 200.—Of the Rights of Persons accused.

Police matrons and stations for detention of women are required in certain cities. St. 1887, 234; 1888, 181.

Chapter 202.—Of Offences against the Person.

SECT. 27. Punishment modified and "age of consent" raised. St. 1893, 466. (See 1886, 305; 1888, 391.)

Chapter 203.—Of Offences against Property.

The following are made offences:—

False statements of the distance travelled or to be travelled with a hired horse, or refusal to pay the hire. St. 1882, 236.

Obtaining, by false representations, certificates or transfers of registration, and giving false pedigrees of cattle, horses, etc. St. 1887, 143; 1890, 334.

Entering or driving a horse disguised, or different from the one purported to be entered, to compete for a purse or premium. St. 1892, 167.

False representations to overseers of the poor, etc., for purpose of causing any person to be supported as a pauper. St. 1891, 343.

Selling goods marked silver, sterling silver or coin silver containing less than the required proportion of pure silver. St. 1894, 292.

Injuring property or unlawful diversion of electricity of an electric lighting company. St. 1895, 330.

SECTS. 10, 11 amended. The penalties are modified. St. 1888, 135.

SECT. 20. The penalties are changed in certain cases. St. 1889, 458.

SECTS. 20, 37, 40. The embezzlement of property of voluntary associations is made a crime. St. 1884, 174; 1886, 328. (See 1887, 411 § 77.)

And of money, stocks or securities held by brokers under written directions for their disposal. St. 1892, 138. (See 1890, 437 § 3.)

SECT. 21. And the mutilation of a will. St. 1890, 391.

SECT. 56 is extended to agents, clerks, etc., of persons or firms, and to omissions to make true entries. St. 1885, 223.

SECT. 58. Fraudulent use of certain insignia is made an offence. St. 1887, 67; 1891, 15; 1894, 27, 117.

SECTS. 63, 64 extended to labels, stamps and trade-marks of labor and trade associations. St. 1890, 104. (See 1893, 443; 1894, 285.)

SECT. 79. Wilful detention or mutilation of books, etc., of public or incorporated libraries are offences. St. 1883, 77, 81.

SECT. 95. See St. 1893, 403.

SECT. 99. Provision is made to prevent trespass on private land by persons with fire-arms, the defacing of notices, etc. St. 1884, 308; 1890, 403, 410. (See 1886, 276 § 4.)

And on lands appurtenant to prisons or houses of correction. St. 1885, 303.

SECT. 101. The tearing down, removal or defacing of a warrant, voting or jury list, or other legal notice, is made punishable. St. 1883, 156; 1887, 147; 1888, 436 § 28; 1889, 413 § 28.

SECT. 103. Municipal, district and police courts are given concurrent jurisdiction in certain cases. The penalty is regulated. St. 1887, 293 § 2.

The wilful defacing and misuse of milk cans is made an offence. St. 1885, 133.

SECT. 106. The penalty is increased. One-half the fine is to go to the informant. St. 1889, 399.

SECTS. 107-109. The wilful or negligent setting of fires is made a crime. St. 1882, 163; 1886, 296.

Wilful or wanton destruction of property by a convict is punishable. St. 1891, 295.

Chapter 205.—Of Offences against Public Justice.

The following are made offences: Procuring fraudulent divorcees. Unlawfully issuing certificates of divorce. Advertising, by one not a member of the bar, the business of procuring divorcees. St. 1886, 342; 1887, 320; 1891, 59. Falsely representing one's self to be an attorney-at-law. St. 1891, 418.

Interference with police signal system. St. 1888, 291.

Trespass on lands appurtenant to prisons, disturbance of prisons and illicit communication with prisoners. St. 1885, 303. And illicit conveyance of articles to or from the men's reformatory prison. St. 1887, 339.

Commitments for contempt may be made to any jail and served in any county. St. 1886, 224.

SECT. 1. Penalty modified. St. 1892, 123.

SECTS. 9, 10 are extended. St. 1891, 349; 1892, 416.

SECTS. 11, 12 extended to county officers. St. 1893, 271.

Chapter 207.—Of Offences against Chastity, Morality and Good Order.

Punishments are provided: For keeping or resorting to a place where opium is used. St. 1885, 73; 1895, 194. For the exhibition of deformed persons. St. 1884, 99. For unnatural and lascivious acts. St. 1887, 436. For sending to, or detaining in, a house of ill-fame any female as an inmate or servant. St. 1888, 311.

SECT. 2. Further provision made against seduction, unlawful intercourse and assistance thereto. St. 1886, 329; 1888, 311.

SECT. 9. The dying declarations of the woman are admissible in evidence. St. 1889, 100.

SECT. 15 is extended and revised. St. 1894, 433; 1895, 162. (See 1890, 70.)

The gift, sale or distribution, to or by minors, of papers devoted to criminal news is punishable. St. 1885, 305.

SECTS. 20, 29, 34, 35. Disorderly or indecent speech or behavior in public conveyances is punishable. St. 1883, 102.

SECT. 22 is extended to licensed picnic groves. St. 1887, 445. (See 1885, 309.)

SECT. 23. Wilful disturbance of persons in a public library or reading room is made an offence. St. 1885, 225.

SECTS. 25-28 are repealed, and new provisions made as to proceedings and punishments in cases of drunkenness. St. 1891, 427; 1892, 303; 1893, 414, 445. (See 1885, 365, 375; 1886, 323 § 2; 1888, 377; 1891, 356; 1892, 160, 200.)

SECT. 29. Neglect to support wife or minor children is punishable. St. 1885, 176; 1893, 262. (See 1882, 270; 1884, 210.)

SECTS. 29, 42. Sentences under these sections regulated. St. 1884, 258; 1885, 365; 1886, 323; 1888, 49; 1892, 302. (See 1892, 303.)

SECTS. 49, 50. Removing flowers or memorial tokens from graves, etc., without authority is punishable. St. 1888, 395.

SECTS. 52-54. The docking of horses' tails is forbidden under penalty. St. 1894, 461. (See 1889, 267.)

The payment of fines to informers under these sections is regulated. St. 1889, 267; 1891, 304, 416; 1894, 461.

SECT. 69 is extended. St. 1895, 461. (See 1885, 316; 1893, 436.)

Chapter 208. — Of Offences against Public Health.

Penalties are provided for: Sale or gift of cigarettes, snuff or tobacco to children under sixteen; St. 1886, 72. Feeding, or keeping with intent to feed, garbage, offal, etc., to milch cows and certain food animals; St. 1889, 326; 1895, 385. Sale of clothing made in unhealthy places; St. 1891, 357; 1892, 296; 1893, 246. Manufacture or sale of toys or confectionery containing arsenic; St. 1891, 374. Pollution of water supplies; St. 1884, 172. Neglect, after notice by board of health, to repair private drain in street; St. 1893, 312. Adulteration of food or drugs; St. 1882, 263; 1884, 289; 1886, 171; 1891, 319. (See 1883, 263.) (As to milk and butter, see 1884, 310; 1885, 352; 1886, 317, 318.) Sale for medicinal purposes of drugs, etc., without being a registered pharmacist; St. 1885, 313 § 9.

SECT. 6. The regulations as to sale of poisons are revised. St. 1888, 209. (See 1885, 313; 1887, 38.)

Chapter 209. — Of Offences against Public Policy.

It is made unlawful to display a flag or emblem of a foreign country on a public building or schoolhouse, except on certain conditions. St. 1895, 115.

Provisions to prevent lotteries and policy lotteries. St. 1892, 409; 1895, 419.

Property shall not be sold or exchanged under the inducement of any gift or prize. St. 1884, 277.

Pretending, in writing, to hold a degree of a college or school, or the approval of a college or professional school of a person, process, treat-

ment or goods, and granting degrees without authority, are made offences. St. 1893, 355. (See 1883, 268.)

Coercing or compelling a person, as a condition of employment, to agree not to join a labor organization is made an offence. St. 1892, 330.

SECTS. 11-13. See St. 1892, 167.

Chapter 210.—Of Felonies, Accessories, Abettors and Attempts to commit Crimes.

Sentences are regulated. St. 1885, 365; 1886, 323; 1889, 113; 1891, 200; 1895, 218, 469, 504. (See 1887, 435; 1890, 316.)

Chapter 211.—Of Proceedings to prevent the Commission of Crime.

SECTS. 4, 5 amended. Magistrate may impose sentence in case of conviction. St. 1894, 505.

SECT. 6 extended to all criminal cases. St. 1890, 440 § 13.

SECTS. 13, 16, 17. See St. 1893, 396 § 41.

Chapter 212.—Of Search Warrants, Rewards, Arrests, Examination, Bail and Probation.

Police matrons are provided for in certain cities. St. 1887, 234; 1888, 181.

Male and female prisoners shall not be carried to or from court together in certain cities. St. 1894, 273.

Provisions in regard to arrest of children under twelve. St. 1882, 127.

SECT. 2. Tickets and other materials for pool selling are added. St. 1885, 342 § 2. Also personal property, insured against fire, concealed to defraud an insurance company. St. 1890, 284. (See 1890, 452.)

Property seized under St. 1890, 284, shall be disposed of as the court orders. St. 1890, 452.

SECTS. 5-10 apply to property seized in pool rooms, gaming houses and opium joints. St. 1894, 410; 1895, 194. (See 1885, 73, 342 § 2; 1887, 448 § 2; 1895, 419.)

SECT. 9 is extended to gaming apparatus and certain other articles. St. 1885, 66.

SECT. 15. If magistrate deems complaint unfounded, frivolous or malicious, he may refuse fees to complainant. St. 1890, 440 § 13.

SECT. 16. A summons shall issue instead of a warrant "unless there is reason to believe that the accused will not appear upon a summons." St. 1890, 225.

SECTS. 17, 20. Warrants and other criminal process may be directed to and served by officers in any county. St. 1886, 247. (See 1895, 380.)

SECT. 26. On adjourning a trial or examination where the offence is punishable with death or imprisonment for life, material witnesses for the government may be bound over according to sections 37-41 of this chapter. St. 1885, 136.

A natural justice may complete adjourned proceedings. St. 1883, 175.

SECTS. 36-40. Provision for detention of witnesses in cases of felony,

pending pursuit and apprehension of offender. St. 1892, 361. (See St. 1893, 396 § 48.)

SECTS. 37-41. See St. 1885, 136 § 2.

SECT. 51. The latter clause of this section, forbidding justices to receive compensation for taking bail, is repealed. St. 1885, 135.

SECT. 68. Money may be deposited with any officer authorized to take recognizance. St. 1882, 134.

SECTS. 74-78 repealed, and new provisions made as to probation officers. St. 1891, 356, 427; 1892, 242, 276; 1894, 229, 368, 372. (See 1882, 125; 1892, 303.)

SECT. 81 amended. St. 1886, 101 § 4.

Chapter 213. — Of Indictments, Prosecutions and Proceedings before Trial.

SECT. 15. See St. 1887, 367.

SECT. 16 *et seq.* See St. 1886, 328 § 2; 1887, 436.

SECT. 17 repealed and a substitute passed. St. 1886, 53. (See 1885, 144.)

SECTS. 15, 30. The support of such insane persons is to be paid by the State. St. 1883, 148; 1889, 90. (See 1894, 214 § 3.)

SECT. 28 *et seq.* The superior court has exclusive original jurisdiction in capital cases. St. 1891, 379. (See 1893, 324, 365, 394.)

SECTS. 29, 30 repealed. St. 1891, 379 § 14.

SECTS. 33-35. Police officers may serve subpoenas when requested by district attorney. St. 1890, 440 § 6.

SECT. 35. In cases of felony, witnesses committed may be held a reasonable time pending pursuit and apprehension of the offender. St. 1892, 361. (See 1894, 406.)

SECT. 38 not affected by St. 1891, 379 § 4. St. 1893, 365.

Chapter 214. — Of Trials and Proceedings before Judgment.

SECT. 1. Order of trials in criminal cases regulated. St. 1884, 193; 1889, 432.

SECTS. 5, 6. When two or more persons are tried together the Commonwealth may challenge as many as the defendants. St. 1895, 120.

SECT. 16. See St. 1887, 367.

SECTS. 16, 19, 20. The support of such insane person is to be paid by the State. St. 1883, 148; 1889, 90. (See St. 1895, 390.)

SECT. 21 amended. St. 1895, 390 § 7.

Chapter 215. — Of Judgment and Execution.

Sentence shall be imposed notwithstanding exceptions or appeal. St. 1895, 469.

Provision made for the ascertainment and punishment of habitual criminals. St. 1887, 435. And for registration and identification of certain criminals. St. 1890, 316.

Warrants for commitment for non-payment of fines regulated. St. 1891, 416 § 2.

Sentences to State prison regulated. St. 1895, 504.

Commitment may be made at same time on several sentences. St. 1884, 265.

Convicts may be sent to jail instead of house of correction, and may be transferred from one to the other. St. 1882, 241.

Municipal or district courts in Boston may sentence or commit to house of industry, instead of to house of correction or jail. St. 1895, 224.

Prisoners in State institutions shall not be employed outside the precincts of such institution in any mechanical or skilled labor for private parties. St. 1891, 209.

SECTS. 2, 5. Taxing costs against defendants in criminal cases is restricted and payment of expenses regulated. St. 1890, 440; 1891, 325.

Expense of serving warrant of commitment shall be deemed part of expense of prosecution. St. 1890, 328.

SECT. 15. Sentences of women regulated. St. 1889, 113; 1895, 218.

SECT. 18 is revised. St. 1882, 127.

SECT. 22. A prisoner in the Massachusetts reformatory may be sent to State prison or house of correction on conviction of an offence punishable by imprisonment therein. St. 1891, 200.

Chapter 216.—Of Fire Inquests.

This chapter is repealed, and the laws as to fire inquests revised. St. 1894, 444. (See 1886, 296; 1887, 214; 1888, 199; 1889, 451; 1891, 229; 1895, 452, 499.)

Chapter 217.—Of Fines, Forfeitures and Costs.

Expense of serving warrant of commitment shall be deemed a part of expense of prosecution. St. 1890, 328.

SECT. 6. See St. 1890, 353.

SECTS. 8, 9. Taxation, certification and payment of costs and fines regulated. St. 1890, 218, 440; 1891, 236, 392, 416. (See 1889, 469.)

SECT. 13 repealed. St. 1890, 218 § 3.

SECT. 15 is repealed, and method of accounting for moneys received under section 14 established. St. 1891, 416.

Chapter 218.—Of Fugitives from Justice and Pardons.

SECT. 6 repealed. Payment of expenses of requisitions regulated. St. 1886, 267.

SECT. 14. Sentences after breach of condition of a pardon regulated. St. 1882, 197.

Chapter 219.—Of the Commissioners of Prisons.

The commissioners shall make reports to the governor at least once in six months. St. 1893, 428. Shall make special rules for treatment of witnesses held in custody. St. 1894, 270. (See 1894, 160.)

They may provide for surgical treatment of prisoners. St. 1882, 207. They shall provide for exercise for unemployed prisoners. St. 1895, 146. And for medical supervision of prisoners in solitary cells in county prisons.

St. 1895, 195. And for teaching certain prisoners to read and write. St. 1895, 259.

Powers and duties of commissioners in regard to the reformatory prescribed. St. 1884, 255, 331; 1894, 249. As to release on parole of prisoners in State prison. St. 1894, 440; 1895, 252, 504.

The governor may remove commissioners at pleasure. St. 1893, 453.

Registration and measurement of certain convicts provided for. St. 1890, 316. (See 1892, 313.)

The authorities of State of Vermont are granted permission to detain in and transport through this State convicts sentenced in Vermont. St. 1892, 423.

SECT. 3. Secretary's salary fixed. St. 1886, 225. (See 1884, 331 § 4.)

SECT. 4. Removal and transfer of prisoners regulated. St. 1882, 207, 241; 1885, 35; 1887, 292, 375; 1888, 192; 1890, 180, 278; 1894, 249; 1895, 273.

State prison convicts may be graded and classified. St. 1892, 267. (See 1891, 372.)

SECT. 6. Vagrants and tramps may be removed to the State farm. St. 1885, 35 § 1. (See 1887, 264.)

SECT. 14 *et seq.* Labor in prisons and employment of prisoners regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460. (See 1895, 146.)

SECTS. 17, 18 repealed. St. 1888, 403 § 6.

SECT. 24. Sentence may be to reformatory prison for women. St. 1894, 260.

SECTS. 26-30. Provision for aid for female prisoners discharged without sentence. St. 1886, 177.

Further provisions for aiding discharged prisoners. St. 1887, 315, 336, 395; 1888, 322, 417; 1895, 383.

Additional agents authorized. St. 1887, 315. Salary of agent provided for. St. 1888, 330.

SECT. 32. See St. 1889, 245.

SECTS. 34, 35 *et seq.* Reports and returns are regulated. St. 1882, 226; 1891, 187; 1892, 290 § 2.

SECT. 36 repealed. St. 1882, 226 § 3.

SECT. 39. Allowance made for clerical assistance. St. 1888, 328; 1895, 431. (See 1885, 52.)

Chapter 220.—Of Jails and Houses of Correction.

Police matrons and stations for the detention of women are required in certain cities. St. 1887, 234; 1888, 181.

Carrying male and female prisoners together to and from court is forbidden in certain cities. St. 1894, 273.

A general superintendent of prisons is provided for. St. 1887, 447 § 6; 1895, 322. (See 1888, 403 § 8.)

Provision for teaching certain illiterate prisoners to read and write. St. 1895, 259.

SECT. 2. The sheriff may transfer prisoners between jails and houses of correction. St. 1882, 241. (See 1890, 278.)

SECT. 11 *et seq.* An institution commissioner substituted for directors for public institutions of Boston. St. 1895, 449 § 14. (See 1889, 245.)

SECTS. 13, 14. Contract labor is forbidden in certain prisons. St. 1887, 447; 1888, 22. (See 1888, 403; 1894, 451.)

SECT. 19. See St. 1891, 426.

SECT. 23. See St. 1894, 349.

SECT. 36. The requirement of whitewashing is stricken out. St. 1886, 226.

SECT. 40 *et seq.* Labor in prisons and employment of prisoners are regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460. (See 1895, 146.)

SECT. 49. Clerical error corrected. St. 1882, 6 § 4.

SECT. 50. Escapes of prisoners employed outside are punishable. St. 1882, 198. (See 1885, 94.)

SECT. 53 *et seq.* Invoice books of supplies must be kept. St. 1890, 296. (See 1889, 294.)

SECTS. 54, 55. The purchase of tools, materials, machinery, etc., and sale of manufactured goods provided for and regulated. St. 1887, 447; 1888, 403 § 3; 1891, 228. (See 1891, 371.)

Funds not required for immediate use must be deposited. St. 1890, 215.

Payment of funds regulated. St. 1893, 270.

SECT. 60 *et seq.* See St. 1882, 113.

SECTS. 66, 68. Further provisions made as to release of prisoners on probation. St. 1884, 152, 255 §§ 33, 34. (See 1894, 440; 1895, 252, 504.)

SECT. 69 applies to St. 1891, 356.

Chapter 221. — Of the State Prison and the Reformatory Prison for Women.

A general superintendent of prisons is provided for. St. 1887, 447 § 6.

The prison at Concord is made a reformatory prison for men, and the State prison is re-established at Boston. St. 1884, 255, 331. (See 1891, 215; 1893, 441.)

Sentences to State prison regulated. St. 1895, 504.

Permits to be at liberty authorized and regulated. St. 1884, 255 §§ 33, 34; 1887, 435 §§ 2, 3; 1894, 440; 1895, 252, 504.

The list of officers of the State prison is revised and compensation fixed. St. 1889, 412; 1893, 455, 456; 1894, 370, 477. (See 1882, 203; 1884, 95; 1887, 355; 1888, 264.)

And of the officers of the reformatory prison for men. St. 1890, 255; 1893, 333. (See 1888, 335; 1889, 408; 1890, 267.)

And of the reformatory prison for women. St. 1883, 267; 1884, 43; 1887, 341; 1888, 327.

Sentences to the men's reformatory are regulated. St. 1885, 365; 1886, 323; 1888, 49; 1891, 427 § 5; 1892, 302, 303. (See 1884, 255 §§ 8-11, 33-35; 1885, 35, 320, 356; 1891, 200.)

Sentences of prisoners in the reformatory, convicted of offences punishable by imprisonment in the State prison or house of correction, are regulated. St. 1891, 200. (See 1892, 302.)

The description and measurement of convicts by the "Bertillon" system are provided for. St. 1890, 316.

Removals and transfers of prisoners regulated. St. 1882, 207, 241; 1885, 35, 320; 1887, 292, 375; 1888, 192; 1890, 180; 1891, 200; 1894, 214, 249; 1895, 273. (See 1884, 255; 1894, 273.)

Labor in prisons and employment of prisoners regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460.

The purchase of machinery, tools and materials and sale of manufactured goods are regulated. St. 1887, 447 §§ 3, 4; 1888, 403 § 3; 1891, 228.

State prison convicts may be punished for wilful or wanton destruction of property. St. 1891, 295.

The illicit conveyance of articles to or from the men's reformatory is made punishable. St. 1887, 339. And trespass on prison lands and disturbance of prisons and illicit communication with prisoners. St. 1885, 303.

Provision for removal of persons and property unlawfully on prison premises. St. 1895, 141.

SECTS. 6, 7 repealed. St. 1882, 203 § 4.

SECT. 6 *et seq.* The removal of subordinate officers is regulated. St. 1887, 355; 1890, 267. (See 1888, 264; 1889, 412.) Subordinates must give bond and be sworn. St. 1893, 426. May be transferred to service as watchmen. St. 1894, 349.

SECT. 8 amended. St. 1887, 355.

SECT. 25 *et seq.* Provision made for grading and classifying prisoners in the State prison. St. 1892, 267. (See 1891, 372.)

SECT. 27 amended. Words "or printing" stricken out. St. 1888, 189.

SECT. 30. Schools for the prisoners provided for. St. 1886, 197. (See 1895, 259.)

SECT. 43 *et seq.* Female convicts of the United States courts are to be sent to the reformatory for women. St. 1887, 426. (See 1894, 260; 1895, 273.)

Prisoners may be employed on land or in building appurtenant to reformatory. St. 1885, 94.

Transfers and removals of female prisoners regulated. St. 1888, 192. (See 1894, 273; 1895, 273.)

Escapes and attempts to escape are made punishable. St. 1885, 94. (See 1882, 198.)

A burial place is provided for. St. 1882, 213.

A sewerage system is provided for. St. 1887, 403; 1892, 211.

SECT. 44. See St. 1883, 267; 1884, 43.

SECT. 52. Further provisions made as to permits. St. 1884, 152; 1888, 192, 317. (See 1887, 435 § 2.)

SECTS. 54, 55. Method of approval of bills and contracts changed. St. 1888, 403 § 7; 1889, 294. (See 1884, 255 §§ 28, 30; 1887, 447; 1888, 22, 337.)

Chapter 222. — Special Provisions concerning Penal and Other Public Institutions.

Masters of jails having public funds must deposit all not required for immediate use. St. 1890, 215.

Payment of funds regulated. St. 1893, 270.

No prisoner in any State institution shall be employed outside in mechanical or skilled labor for private parties. St. 1891, 209.

Prisoners or inmates of institutions suffering from syphilis shall have medical treatment and may be isolated. St. 1891, 420.

Surgical treatment and medical treatment provided for in certain cases. St. 1882, 207; 1895, 195. And exercise for unemployed prisoners. St. 1895, 146. And teaching certain illiterate prisoners to read and write. St. 1895, 259.

SECT. 3. See St. 1895, 195.

SECT. 10. Further provisions concerning removal of insane prisoners in the reformatory for men. St. 1885, 320; 1895, 390.

SECTS. 10, 11, 25. See St. 1886, 101 § 4.

SECTS. 10, 12, 14. See St. 1886, 219; 1887, 367; 1895, 390.

SECT. 17. A trial justice may act, if there is no police or district court in the county. St. 1882, 201.

SECT. 20 does not apply to persons sentenced to the reformatory. St. 1886, 323 § 7. Provision for special deductions at State farm. St. 1894, 258. (See 1887, 264.)

SECTS. 20, 21. Form of sentences to State prison modified. St. 1895, 504. Releases on probation are further regulated. St. 1884, 152, 255 §§ 33, 34; 1887, 435 § 2; 1888, 317; 1894, 440; 1895, 252.

SECT. 25. See St. 1891, 420 § 2.

Glossary.

The relations of avoirdupois and troy pounds are fixed. St. 1894, 198 § 1.

II.

CHANGES IN THE GENERAL STATUTES

PASSED SINCE THE ENACTMENT OF THE
“PUBLIC STATUTES.”

[The changes are more fully stated in Table I., under the appropriate chapter of the Public Statutes.]

Statutes of 1882.

Chap.

- 28 Repealed, 1890, 423 § 228. (See 1885, 108; 1893, 417 § 193.)
P. S. 7.
- 29 Repealed, 1886, 66. (See 1891, 24.) P. S. 5.
- 36 Amended, 1888, 114. (See 1894, 389, 422.) P. S. 52.
- 41 § 2 superseded, 1887, 163 § 2. P. S. 154.
- 43 Affected, 1885, 132. P. S. 154.
- 49 Amended, 1894, 130. P. S. 2, 77, 160.
- 50 Repealed, 1894, 317. P. S. 116.
- 63 Superseded, 1886, 307. P. S. 154.
- 65 Repealed, 1885, 247. P. S. 91.
- 74 Repealed, 1884, 299 § 44. (See 1890, 423; 1893, 417 § 176.) P. S. 7.
- 76 Superseded, 1888, 363. (See 1887, 223; 1889, 446.) P. S. 11.
- 77 Repealed, 1894, 317. (See 1883, 258 § 2; 1884, 72; 1886, 300;
1887, 214 § 95.) P. S. 116.
- 87 Superseded, 1886, 167. P. S. 154.
- 94 Superseded, 1882, 225. (See 1894, 469.) P. S. 112.
- 95 See 1893, 396 §§ 25-29. P. S. 154.
- 97 Superseded, 1887, 411 § 23. (See 1893, 367 § 23.) P. S. 14.
- 102 Amended, 1884, 245. P. S. 91.
- 103 Affected, 1883, 109 § 1. P. S. 19.
- 106 Amended, 1883, 74. Affected, 1884, 330 § 3; 1886, 230; 1891,
341; 1894, 381, 541; 1895, 157, 311. P. S. 13, 105.
- 108 § 1 amended, 1888, 313. P. S. 53.
- 111 Repealed, 1886, 38. P. S. 16.
- 112 Affected, 1894, 67. P. S. 16.
- 125 Repealed, 1891, 356. (See 1891, 427; 1892, 242, 276, 303.) P. S.
112.
- 127 § 2 amended, 1886, 101 § 4. P. S. 89.
- 129 Superseded, 1893, 469. (See 1886, 184; 1889, 251.) P. S. 158.

Statutes of 1882—*Continued.*

Chap.

- 135 Shall not apply to provisions of 1890, 428. (See 1885, 194.) P. S. 112.
- 139 Extended, 1883, 252; 1889, 197. P. S. 18.
- 144 Superseded, 1893, 469. P. S. 158.
- 146 Affected, 1886, 15. P. S. 154.
- 148 Repealed, 1894, 317. (See 1886, 252; 1889, 77, 321; 1892, 248.) P. S. 116.
- 150 Repealed, 1894, 508. P. S. 74.
- 154 § 1 amended, 1890, 240. Affected, 1884, 226; 1893, 300, 416 § 11. (See 1887, 411 §§ 90, 108; 1893, 367 §§ 90, 108.)
- 157 Affected, 1888, 289. P. S. 17.
- 158 Superseded, 1889, 440 § 10; 1891, 293. P. S. 4.
- 163 Affected, 1886, 296 § 3. P. S. 35, 203.
- 165 Amended, 1887, 125. P. S. 11.
- 166 § 1 amended, 1884, 317. (See 1893, 201; 1895, 88.) P. S. 91.
- 176 In part repealed, 1884, 197; 1887, 117; 1894, 470. P. S. 154.
- 178 Superseded, 1887, 411 § 127. (See 1893, 367 § 127.) P. S. 14.
- 179 Superseded, 1887, 411 § 124. (See 1893, 367 § 124. Res. 1890, 67.) P. S. 14.
- 181 § 3 amended, 1886, 330; 1888, 248. §§ 1, 2, 3 amended, 1886, 101 § 4. Affected, 1883, 232; 1893, 217, 252. P. S. 48, 86.
- 195 § 1 repealed, 1888, 449 § 21. (See 1894, 367, 522.) P. S. 119.
- 196 Repealed, 1888, 24. P. S. 5.
- 199 Affected, 1886, 276 § 11. P. S. 92.
- 200 Repealed, 1894, 317. (See 1886, 77.) P. S. 116.
- 203 Repealed, 1888, 264 § 3; 1889, 412. (See 1884, 95; 1887, 355.) P. S. 221.
- 205 Repealed, 1888, 274 § 3. (See 1892, 104, 328.) P. S. 152.
- 208 Repealed, 1894, 481. (See 1883, 173; 1892, 419 § 138.) P. S. 104.
- 212 Affected, 1883, 105; 1887, 31; 1888, 256; 1894, 143, 144; 1895, 57. § 2 amended, 1888, 333. § 6 affected, 1885, 327. P. S. 20.
- 217 § 1 amended, 1888, 323. (See 1889, 465.) P. S. 11.
- 218 Affected, 1890, 127. P. S. 11.
- 219 Affected, 1884, 122. P. S. 45.
- 220 Limited, 1894, 129. P. S. 100.
- 223 Superseded, 1893, 280. (See 1893, 194.) P. S. 146.
- 224 Repealed, 1890, 168. (See 1883, 202.) P. S. 116.
- 225 Extended, 1894, 469. P. S. 112.
- 226 § 2 affected, 1892, 290. P. S. 219.
- 227 § 3 amended, 1883, 75; 1889, 122. P. S. 154.
- 231 Repealed, 1887, 423. (See 1885, 124; 1888, 90 § 2; 1890, 369.) P. S. 116.
- 232 § 1 amended, 1886, 37 § 2; 1890, 294. P. S. 159.
- 233 Amended, 1886, 165, 166. § 6 in part superseded, 1889, 19; 1892, 93; 1893, 479. P. S. 151.
- 237 Extended, 1885, 283. Amended, 1890, 427 § 1. Affected, 1893, 340. (See 1889, 442.) P. S. 176.

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 243 Repealed, 1888, 390 § 95. P. S. 12.
 244 Affected, 1886, 125. Extended, 1890, 181. P. S. 112, 115.
 245 § 1 superseded in part. 1886, 15, 37, 130, 166; 1888, 195; 1889, 97, 158, 174, 218, 277, 289; 1892, 100; 1893, 479. § 2 superseded, 1887, 160; 1892, 233. P. S. 154, 159.
 246 Affected, 1885, 345 § 6. P. S. 40.
 247 Repealed, 1884, 298 § 53. (See 1890, 423; 1893, 417.) P. S. 6.
 249 Superseded, 1895, 234 § 5. P. S. 187.
 250 Repealed, 1885, 122. (See 1894, 399.) P. S. 102.
 251 Affected, 1883, 98. Amended, 1885, 121. In part repealed, 1887, 216. (See 1895, 172.) P. S. 117.
 252 Repealed, 1892, 419 § 138. P. S. 11, 104.
 253 Superseded, 1891, 396. P. S. 9.
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 258 See 1894, 180. P. S. 102.
 259 See 1894, 388. P. S. 100.
 260 Repealed, 1890, 423 § 228. (See 1893, 417.) P. S. 7.
 263 Amended, 1883, 263 § 1; 1884, 289; 1886, 171. Affected, 1885, 352 § 5; 1886, 317, 318; 1891, 319. § 5 amended, 1886, 101 § 4. P. S. 208.
 264 Affected, 1888, 257; 1889, 443. P. S. 168.
 265 § 3 affected, 1884, 279. P. S. 112.
 266 Repealed, 1894, 481. (See 1887, 218, 276; 1888, 426.) P. S. 104.
 268 Repealed, 1884, 298 § 53. (See 1890, 423 § 228; 1893, 417.) P. S. 6.
 270 § 3 amended, 1886, 101 § 4. In part repealed, 1892, 318 § 16. § 4 amended, 1884, 210; 1885, 176; 1893, 262. (See 1889, 309, 416; 1891, 194.) P. S. 48.
 272 Affected, 1884, 76. P. S. 102.
 274 § 2 repealed, 1883, 183 § 3. P. S. 94.

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- 31 Affected, 1895, 88. P. S. 91.
 33 Repealed, 1887, 214 § 112. (See 1891, 368; 1892, 47; 1894, 522.) P. S. 119.
 36 Repealed, 1886, 276 § 11. P. S. 92.
 41 § 1 affected, 1887, 86 § 2. P. S. 11.
 42 Repealed, 1890, 423 § 228. (See 1884, 299 §§ 29-32; 1886, 262; 1888, 164; 1893, 417 § 209.) P. S. 7.
 48 Superseded, 1887, 26. P. S. 15.
 52 Repealed, 1894, 317. (See 1883, 248; 1886, 77.) P. S. 116.
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- 55 Superseded, 1891, 292. (See 1885, 369 § 3; 1888, 85; 1889, 440.) P. S. 4.
- 57 Superseded, 1885, 155 § 5. P. S. 155.
- 61 Affected, 1888, 180. P. S. 26.
- 62 Affected, 1886, 281; 1888, 346. P. S. 183.
- 71 Superseded, 1892, 96. (See 1886, 73; 1889, 103.) P. S. 11.
- 76 Affected, 1884, 199; 1886, 163; 1889, 392; 1890, 336. P. S. 91.
- 78 Affected, 1885, 339 § 3; 1886, 319 § 2. P. S. 87.
- 80 § 2 superseded, 1886, 106 § 2. P. S. 154.
- 91 Affected, 1887, 86; 1890, 242. (See 1891, 65.) P. S. 11.
- 93 Superseded, 1890, 242. (See 1887, 86.) P. S. 11.
- 97 § 2 superseded, 1891, 107. (See 1888, 233.) P. S. 117.
- 98 Affected, 1885, 121; 1887, 216. P. S. 117.
- 101 Repealed, 1888, 390 § 95. P. S. 12.
- 105 Affected, 1887, 31; 1888, 333; 1894, 143, 144; 1895, 57. P. S. 20.
- 107 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 109 Affected, 1895, 106. P. S. 19.
- 110 Amended, 1886, 101 § 4. P. S. 89.
- 113 Affected, 1883, 154. P. S. 1.
- 117 Amended, 1888, 240. Extended, 1891, 129. P. S. 112.
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- 120 Superseded, 1887, 448 § 2. (See 1892, 388.) P. S. 99.
- 124 § 1 superseded, 1888, 306 § 2. § 2 amended, 1887, 335. P. S. 32.
- 126 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 133 Superseded, 1889, 193. P. S. 80.
- 134 Repealed, 1894, 317. P. S. 116.
- 138 Amended, 1886, 101 § 4; 1893, 302. (See 1884, 98.) P. S. 80.
- 142 Affected, 1889, 299. P. S. 82.
- 145 Affected, 1884, 237; 1886, 210. P. S. 50.
- 148 §§ 2, 3 amended, 1889, 90. P. S. 87.
- 156 Extended, 1887, 147; 1888, 436 § 28. P. S. 203.
- 157 Limited, 1884, 275 § 4. Affected, 1887, 280; 1892, 357. P. S. 48, 74.
- 158 Amended, 1889, 288. P. S. 32.
- 164 Repealed, 1886, 38. (See 1886, 334.) P. S. 16.
- 168 Affected, 1892, 331. P. S. 68.
- 173 Repealed, 1892, 419 § 138; 1894, 481. P. S. 104.
- 174 Affected, 1886, 236; 1887, 433 § 4. (See 1893, 208; 1894, 498.) P. S. 44.
- 175 Affected, 1890, 202. P. S. 155.
- 187 Affected, 1884, 169. (See 1893, 418.) P. S. 102.
- 202 Repealed, 1890, 168. P. S. 116.
- 203 Repealed, 1893, 417. (See 1886, 150.) P. S. 27.
- 216 Amended, 1886, 51; 1887, 289. (See 1888, 282.) P. S. 159.
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- 223 Affected, 1885, 384. § 5 amended, 1884, 316; 1892, 440. § 7 amended, 1893, 61. § 16 extended, 1895, 116. § 17 affected, 1887, 383. P. S. 151, 152, 167.
- 224 Repealed, 1888, 348 § 12. (See 1885, 222; 1892, 352.) P. S. 48.
- 225 See 1888, 414; 1890, 465; 1894, 198. P. S. 65.
- 229 Repealed, 1890, 423 § 228. (See 1885, 261; 1891, 32; 1893, 417.) P. S. 7.
- 230 Repealed, 1887, 94. P. S. 58.
- 232 Affected, 1893, 217, 252; 1894, 481. § 3 amended, 1886, 101 § 4. (See 1886, 330 § 2; 1888, 248.) P. S. 84, 90.
- 235 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 239 In part repealed, 1886, 298. P. S. 87.
- 243 Affected, 1887, 270; 1888, 155; 1892, 260; 1893, 359; 1894, 499; 1895, 362 § 7. P. S. 74, 112.
- 244 Superseded, 1893, 469. (See 1888, 112.) P. S. 158.
- 245 Repealed, 1894, 498. P. S. 47.
- 248 Repealed, 1894, 317. P. S. 116.
- 251 Repealed so far as it relates to Boston, 1892, 419 § 138. Affected, 1884, 223; 1888, 86; 1894, 481. § 2 repealed, 1888, 426 § 14. (See 1894, 414.) P. S. 104.
- 252 Extended, 1889, 197. P. S. 18.
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- 258 In part repealed, 1894, 317. (See 1886, 300; 1887, 214 § 112; 1894, 522.) P. S. 116, 119.
- 260 Affected, 1887, 98. P. S. 97.
- 262 Not repealed by 1885, 302. P. S. 82.
- 263 Superseded, 1884, 289 § 6. (See 1891, 319.) P. S. 208.
- 267 Affected, 1887, 447; 1888, 403; 1889, 294. P. S. 221.
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- 34 Repealed, 1889, 301 § 10. (See 1890, 447.) P. S. 30.
- 38 Superseded, 1891, 429. (See 1887, 221.) P. S. 15.
- 42 Affected, 1886, 76. P. S. 27.
- 45 Superseded, 1887, 411 § 128. (See 1893, 367 § 128.) P. S. 14.
- 52 Repealed, 1894, 481. (See 1888, 426.) P. S. 104.
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- 56 Repealed, 1884, 168. (See 1886, 69.) P. S. 116.
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- 78 Affected, 1887, 404; 1891, 265. P. S. 39.
- 79 Superseded, 1888, 385. P. S. 15.
- 84 Superseded, 1894, 522 § 5. P. S. 119.
- 88 Repealed, 1886, 298. P. S. 87.
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- 98 § 1 revised, 1890, 102. § 2 added to, 1891, 188. (See 1893, 302.)
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- 103 Affected, 1885, 161. P. S. 44.
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- 120 Repealed, 1887, 214 § 112. (See 1891, 368; 1892, 47; 1894, 522.)
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- 125 Repealed, 1888, 437 § 6. (See 1893, 417 §§ 96-99.) P. S. 28.
- 129 Affected, 1891, 321; 1892, 245 § 7. P. S. 29.
- 131 Affected, 1884, 291. P. S. 130.
- 134 Affected, 1895, 356. P. S. 112.
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- 150 Repealed, 1894, 317. P. S. 116.
- 152 Affected, 1884, 255 §§ 33, 34; 1886, 323; 1888, 317. P. S. 220, 221.
- 155 Superseded, 1890, 309. P. S. 48.
- 162 Repealed, 1888, 390 § 95. P. S. 12.
- 166 Repealed, 1885, 369 § 4. (See 1889, 440.) P. S. 4.
- 168 Repealed, 1894, 317. (See 1886, 69.) P. S. 116.
- 171 Amended, 1890, 193; 1891, 138. (See 1888, 276; 1895, 277.)
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- 177 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 178 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 179 Affected, 1888, 322; 1894, 314; 1895, 10. §§ 3, 4 amended, 1890,
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- 181 Repealed, 1894, 224. (See 1885, 156; 1886, 174; 1888, 437 § 6;
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- 190 Repealed, 1885, 186. P. S. 103.
- 191 Affected, 1884, 286; 1887, 406; 1888, 297. P. S. 100.
- 192 Superseded, 1893, 469. P. S. 158.
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 232 Affected, 1885, 378; 1887, 250, 252; 1892, 195, 432; 1893, 306;
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 234 § 3 amended, 1886, 101 § 4. P. S. 87.
 235 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
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 248 Superseded, 1893, 469. P. S. 158.
 249 Affected, 1893, 191. P. S. 148.
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 282 Repealed, 1887, 111. P. S. 92.
 284 Affected, 1885, 220 § 1; 1886, 299; 1895, 282. P. S. 91.
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 296 Repealed, 1887, 214 § 112. (See 1894, 522 § 61.) P. S. 119.
 297 § 3 amended, 1891, 299. § 4 amended, 1886, 101 § 4. P. S. 88.
 298 Repealed, 1890, 423 § 228. (See 1885, 271 § 6; 1886, 68 § 2, 264
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- 304 Affected, 1889, 459. § 1 amended, 1890, 154. (See 1890, 451.) P. S. 167.
- 306 Affected, 1887, 382 § 3, 385 § 4. P. S. 109.
- 307 § 2 amended, 1885, 150. P. S. 60.
- 308 Affected, 1890, 403. P. S. 92.
- 310 § 1 superseded, 1886, 317. P. S. 56. §§ 3, 4 superseded, 1886, 318. (See 1885, 352; 1891, 58, 412.) P. S. 57.
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- 316 Amended, 1892, 440. Affected, 1885, 384 § 1. (See 1887, 383 § 4.) P. S. 152.
- 317 See 1893, 201. P. S. 91.
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- 319 Repealed, 1894, 359. (See 1886, 352; 1892, 59.) P. S. 2.
- 320 Affected, 1887, 345, 364, 437; 1889, 177, 473; 1891, 140; 1893, 253; 1894, 519; 1895, 376. Extended, 1889, 352; 1894, 267. Added to, 1891, 140. § 4 amended, 1888, 334. § 14, cl. 6, amended, 1895, 501. § 15 amended, 1893, 95. § 17 amended, 1889, 183. § 19 amended, 1888, 253. § 20 amended, 1889, 177, 351. (See 1888, 41.) P. S. 21, 74.
- 322 § 3 amended, 1890, 358. §§ 7, 9 amended, 1886, 101 § 4. P. S. 87.
- 323 Affected, 1885, 86, 151; 1895, 428. P. S. 89.
- 328 Repealed, 1892, 101. P. S. 15.
- 329 Affected, 1888, 1. P. S. 2.
- 330 Affected, 1886, 230; 1891, 341; 1894, 381, 541; 1895, 311. §§ 1, 2 extended, 1889, 393. § 3 amended, 1895, 157. (See 1888, 321; 1890, 321; 1895, 387.) P. S. 105.
- 333 Superseded, 1887, 128. P. S. 5.
- 334 Superseded, 1894, 394. P. S. 2.

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- 5 Repealed, 1890, 423 § 228. (See 1885, 351; 1893, 417.) P. S. 7.
- 15 Repealed, 1886, 38. (See 1891, 233.) P. S. 16.
- 24 § 1 revised, 1890, 302. (See 1885, 371.) P. S. 2.
- 32 Affected, 1890, 257. P. S. 21.
- 40 Affected, 1892, 268. P. S. 26.
- 42 Affected, 1889, 170; 1892, 268. P. S. 154.
- 45 Superseded, 1893, 396 § 17. P. S. 154, 161.
- 52 Repealed, 1888, 328. (See 1895, 431.) P. S. 219.
- 59 Affected, 1888, 405. Amended, 1892, 209. P. S. 157.
- 60 Extended, 1891, 218. P. S. 27, 28.
- 67 Affected, 1885, 161. P. S. 44.
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- 79 Affected, 1886, 124. P. S. 154.
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- 98 Affected, 1885, 122; 1894, 399. P. S. 59, 102.
- 106 Superseded, 1890, 242; 1891, 65. (See 1886, 56; 1887, 86.)
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- 107 Repealed, 1890, 423 § 228. (See 1886, 262; 1893, 417.) P. S. 8.
- 108 Repealed, 1890, 423 § 228. (See 1893, 417 § 193.) P. S. 7.
- 111 Repealed, 1894, 317. (See 1886, 69; 1887, 196; 1888, 213; 1890,
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- 123 Affected, 1890, 196; 1891, 149; 1892, 147. (See 1893, 78, 403.)
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- 124 Repealed, 1894, 317. (See 1888, 90 § 2; 1890, 369.) P. S. 116.
- 131 Affected, 1887, 256; 1888, 389, 426 § 13; 1891, 302, 357 § 6. P. S.
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- 132 See 1893, 396 § 63. P. S. 154.
- 134 In part repealed, 1886, 218. P. S. 152.
- 137 Superseded, 1893, 479. P. S. 154.
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- 142 Repealed, 1890, 423 § 228. (See 1888, 436; 1893, 417.) P. S. 7.
- 144 Repealed, 1886, 53. P. S. 213.
- 147 Superseded, 1893, 367 § 96. (See 1887, 411.) P. S. 14.
- 148 Repealed, 1887, 252 § 24. (See 1892, 195; 1893, 306; 1894, 491;
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- 155 Affected, 1887, 322. § 3 in part superseded, 1895, 500. P. S. 154.
- 156 Repealed, 1888, 437 § 6. P. S. 28.
- 157 See 1893, 300 § 6, 331. P. S. 27.
- 158 Repealed, 1895, 310. (See 1892, 318.) P. S. 80.
- 159 Superseded, 1893, 417. P. S. 7.
- 165 Superseded, 1893, 469. (See 1889, 211.) P. S. 158.
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- 173 Repealed, 1889, 301 § 10. (See 1886, 39; 1890, 447.) P. S. 30.
- 176 Amended, 1893, 262. P. S. 207.
- 178 Superseded, 1887, 281. P. S. 29.
- 180 Superseded, 1891, 107. (See 1888, 233.) P. S. 154.
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- 193 Repealed, 1887, 120. P. S. 91.
- 194 § 4 amended, 1887, 295. Shall not apply to provisions of 1890,
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- 195 § 1 superseded, 1889, 70. § 2 superseded, 1891, 375. (See 1887,
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- 210 § 2 repealed, 1894, 317. P. S. 116.
- 211 Amended, 1891, 153. (See 1887, 440.) P. S. 86.
- 214 Repealed, 1889, 279 § 11. (See 1892, 291.) P. S. 30.
- 216 Affected, 1888, 254, 262; 1889, 347. Limited, 1889, 186. Extended, 1889, 361. P. S. 100.
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- 222 Repealed, 1888, 348 § 12. (See 1889, 291; 1890, 183, 299; 1892, 83, 352, 357.) P. S. 48.
- 227 Repealed, 1894, 176. P. S. 41.
- 229 Repealed, 1890, 423 § 228. (See 1893, 417.) P. S. 7.
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- 238 Amended, 1886, 270. P. S. 13.
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- 242 Repealed, 1889, 192. P. S. 130.
- 246 Repealed, 1890, 423 § 228. (See 1892, 351; 1893, 417.) P. S. 7.
- 248 Repealed, 1890, 423 § 228. (See 1888, 436 §§ 10, 26, 29; 1893, 417.) P. S. 7.
- 252 Repealed, 1890, 416 § 7. (See 1888, 388; 1892, 428.) P. S. 102.
- 255 Affected, 1887, 290. P. S. 117.
- 260 Amended, 1890, 265. P. S. 130.
- 261 Repealed, 1890, 423 § 228. (See 1891, 32.) P. S. 27.
- 262 Repealed, 1890, 423 § 228. (See 1892, 224 § 4.) P. S. 7.
- 265 § 2 amended, 1886, 101 § 4. (See 1885, 379; 1887, 310; 1888, 306 § 2.) P. S. 82.
- 268 Repealed, 1890, 423 § 228. (See 1891, 264; 1893, 417.) P. S. 7.
- 271 Repealed, 1890, 423 § 228. (See 1886, 68, 264; 1892, 351; 1893, 417.) P. S. 6.
- 275 Superseded, 1893, 469. P. S. 158.
- 277 Superseded, 1889, 303; 1892, 354, 399. P. S. 22.
- 283 Amended, 1890, 427 § 1. (See 1889, 442; 1893, 340.) P. S. 176.
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- 293 Affected, 1888, 346 § 1. (See 1887, 286; 1894, 104.) P. S. 178.
- 300 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
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- 206 Repealed, 1890, 423 § 228. (See 1892, 351 § 9; 1893, 417.) P. S. 27.
- 207 Repealed, 1888, 426 § 14. (See 1894, 481.) P. S. 104.
- 213 Repealed, 1894, 317. (See 1890, 168.) P. S. 116.
- 221 Repealed, 1893, 423. (See 1889, 191; 1890, 254; 1893, 417 § 266; 1894, 16.) P. S. 27.
- 223 Affected, 1892, 188. P. S. 91.
- 233 Superseded, 1891, 107. P. S. 154.
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- 240 Extended, 1891, 129. P. S. 112.
- 246 See 1889, 152. P. S. 154.
- 248 Affected, 1893, 217, 252. P. S. 84.
- 254 Extended, 1889, 347; 1894, 130 § 5; 1895, 337. Affected, 1888, 262; 1889, 186, 361. P. S. 100.
- 256 Repealed, 1889, 440 § 14. P. S. 4.
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- 262 Amended, 1889, 361. (See 1889, 186, 347.) P. S. 100.
- 264 Superseded, 1889, 412. P. S. 221.
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- 274 Superseded, 1892, 104, 328. P. S. 150.
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- 276 Repealed, 1890, 193. (See 1891, 138.) P. S. 91.
- 280 Affected, 1889, 418; 1892, 230. P. S. 158.
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- 296 Affected, 1895, 421. P. S. 20.
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- 314 Affected, 1891, 287 § 2. P. S. 152.
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- 326 See 1891, 265; 1894, 126. P. S. 38.
- 328 Affected, 1895, 431. P. S. 219.
- 333 Affected, 1894, 143, 144; 1895, 57. P. S. 20.
- 335 Superseded, 1889, 408. (See 1893, 333.) P. S. 221.
- 337 Repealed, 1889, 294. (See 1888, 403 §§ 7, 8.) P. S. 221.
- 340 Amended, 1892, 280. P. S. 7, 31, 100.
- 346 See 1894, 104. P. S. 178.
- 348 Repealed, 1894, 508. (See 1889, 291; 1890, 183, 299; 1892, 83, 352, 357; 1894, 498.) P. S. 48, 74.
- 349 Extended, 1889, 300. (See 1889, 394.) P. S. 5.
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- 353 Repealed, 1890, 423 § 228. (See 1888, 436; 1892, 351 § 48; 1893, 417 §§ 130, 283.) P. S. 7.
- 355 Repealed, 1894, 317. P. S. 116.
- 365 Extended, 1889, 154. P. S. 26.
- 366 Repealed, 1892, 366. (See 1893, 367 §§ 22, 29, 30; 1894, 312.) P. S. 14.
- 375 Added to, 1890, 441. (See 1889, 439.) P. S. 80.
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- 387 Affected, 1889, 427, 452; 1890, 329; 1891, 233 § 2, 275. P. S. 118.
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- 397 Affected, 1891, 323; 1892, 418; 1894, 494. In part superseded, 1892, 415 § 3. P. S. 49.
- 399 Repealed, 1894, 481. (See 1888, 426; 1890, 438; 1891, 261; 1892, 419.) P. S. 104.
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- 429 Superseded, 1894, 367; 1895, 104, 281, 340. (See 1890, 341, 400; 1891, 163, 233, 368; 1892, 40, 201, 435; 1893, 47, 321, 418; 1894, 60, 328, 381.) P. S. 115, 119.
- 431 §§ 1, 2, 3 amended and § 4 superseded, 1893, 200. (See 1890, 379; 1891, 272; 1894, 58.) P. S. 44.
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- 438 Repealed, 1889, 298; 1890, 447. (See 1893, 237, 279.) P. S. 30.
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- 77 Repealed, 1894, 317 § 2. P. S. 116.
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- 88 Repealed, 1894, 317 § 46. P. S. 116.
- 91 Repealed, 1894, 317 § 19. P. S. 116.
- 92 Superseded, 1893, 479. P. S. 154.
- 98 Repealed, 1893, 423 §§ 25, 26. (See 1889, 178 ; 1893, 417 § 266 ; 1894, 16, 17.) P. S. 27.
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- 150 Repealed, 1889, 440 § 14. P. S. 4.
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 469 Affected, 1890, 440; 1891, 325. P. S. 199.
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 90 Repealed, 1894, 508. P. S. 74.
 93 Superseded, 1893, 479. P. S. 154.
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 175 Repealed, 1893, 417. (See 1890, 423 § 155.) P. S. 7.
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- 222 Repealed, 1894, 317. P. S. 116.
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- 229 Repealed, 1891, 327. P. S. 91.
- 230 Amended, 1890, 395. Affected, 1891, 220. P. S. 102.
- 239 Affected, 1895, 402. § 1 amended, 1893, 112. P. S. 15.
- 240 Affected, 1893, 300. P. S. 27, 28.
- 242 Affected, 1891, 65. (See Amendments to Const. Art. 32.) P. S.
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- 249 Superseded, 1891, 142. (See 1893, 189, 398; 1894, 205.) P. S.
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- 304 Superseded, 1894, 522 §§ 7, 82. P. S. 119.
- 305 Repealed, 1890, 423 § 228. (See 1892, 351; 1893, 417.) P. S. 6,
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- 306 Affected, 1895, 175. P. S. 23.
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- 310 Affected, 1891, 403. P. S. 117.
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- 347 Affected, 1892, 255. P. S. 40.
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- 354 § 2 in part superseded, 1892, 407. P. S. 86.
- 355 Amended, 1890, 405. P. S. 29.
- 359 Extended, 1893, 396 § 59. P. S. 154.
- 360 Repealed, 1891, 87 § 2. P. S. 199.
- 364 Repealed, 1891, 366. (See 1895, 378.) P. S. 113.
- 365 Repealed, 1891, 179 § 5. P. S. 28.
- 369 Repealed, 1894, 317. P. S. 116.
- 371 In part repealed, 1894, 501. P. S. 109.
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- 379 Superseded, 1891, 272. (See 1893, 200 § 4.) P. S. 44.
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- 381 Repealed, 1893, 417. P. S. 7.
- 382 Affected, 1892, 228. P. S. 112.
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- 385 Affected, 1892, 382. P. S. 74.
- 386 Repealed, 1893, 417. (See 1891, 10, 31, 32, 74, 155, 270, 278, 305; 1892, 51, 190, 351; 1893, 87, 177, 349, 351.) P. S. 7, 27.
- 393 Repealed, 1893, 417. P. S. 7.
- 394 Repealed, 1894, 317. P. S. 116.
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- 431 Repealed, 1895, 209. (See 1893, 405 §§ 2, 5; 1894, 261.) P. S. 157.
- 436 Repealed, 1893, 417 § 345. (See 1891, 10, 31, 32, 74, 155, 270, 278, 305; 1892, 406.) P. S. 7.
- 438 Repealed, 1894, 481. (See 1891, 261.) P. S. 104.
- 439 §§ 1, 2 amended, 1893, 226; 1894, 542. P. S. 115.
- 440 Affected, 1891, 236, 325, 392, 416. § 5 repealed, 1891, 416 §§ 8, 10. (See 1893, 396 §§ 9, 49) § 11 amended, 1891, 70. Affected, 1893, 396 § 1. P. S. 22, 154, 199, 217.
- 447 Affected, 1893, 237. § 1 amended, 1893, 279. P. S. 30.
- 448 § 9 repealed, 1894, 525. P. S. 68.
- 449 § 2 amended, 1891, 144. P. S. 67.
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- 32 Repealed, 1893, 417. P. S. 27.
- 33 Affected, 1891, 262; 1895, 103. (See 1892, 312; 1893, 283.) P. S. 112.
- 49 Affected, 1892, 147. (See 1893, 78, 403.) P. S. 54.
- 54 Superseded, 1894, 245. P. S. 16.
- 58 Affected, 1891, 412. § 1 amended, 1894, 280 § 5. P. S. 56, 57.
- 65 See 1894, 220. P. S. 11.
- 70 Affected, 1891, 325; 1893, 396 § 1. P. S. 155.
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- 116 Extended, 1893, 149. P. S. 11.
- 123 Affected, 1892, 178; 1894, 216. (See 1892, 312.) P. S. 112.
- 125 Repealed, 1892, 410. P. S. 74.
- 138 Affected, 1895, 277. P. S. 91.
- 142 Repealed, 1894, 205. (See 1893, 105, 189, 398; 1894, 102.) P. S. 92.

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 163 See 1891, 233; 1892, 40, 435; 1893, 47; 1894, 60, 328, 367. P. S. 115, 119.
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Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, July 24, 1895.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing what general statutes have been affected by subsequent legislation have been prepared, and are printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of Chapter 238 of the Acts of 1882.

WILLIAM M. OLIN,

Secretary of the Commonwealth.

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